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ABSTRACT

This report on the first 2 years of a projected 3-year project describes an attempt to use counseling and job placement to divert some arrestees from possible jail sentences. Arrestees who meet the criteria for acceptance into the program are granted a 90-day continuance, during which time the staff representative, who is an ex-offender himself, attempts to help the participant find a job or enter a training program. If successful, the representative asks the judge to dismiss charges, preventing the participant from having a criminal record. Out of the first 850 participants, 39 percent had their charges dismissed and only 13 percent were arrested while active in the project. The legal system proved to be quite optimistic about the project, even though more than 3 months was needed in some cases. (BH)

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The Manhattan Court Employment Project

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THE MANHATTAN COURT EMPLOYMENT PROJECT

OF THE VERA INSTITUTE OF JUSTICE

Phase One

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The Manhattan Court Employment Project

of the Vera Institute of Justice

Summary Report on Phase One:
November 1, 1967, to October 3, 1969

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Submitted to Seymour Brandwein, Director of Special Manpower Programs, and to William Throckmorton, Project Officer, by Henry M. Aronson, Director, Manhattan Court Employment Project, Vera Institute of Justice, Room 1330, 100 Centre Street, New York, New York 10013.

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Introduction

One hundred and three thousand arrested persons came into the Manhattan Criminal Court in 1968. Most were young, uneducated, unskilled, unemployed members of a minority group from one of the city's ghettos. In the normal course of events, this would not be their last arrest. Statistics vary, but at least one expert has concluded that "the average man who is arrested once will be arrested seven times." (James Q. Wilson, *New York Times Magazine,* May 11, 1969.) It is likely that the only successful people most of these defendants had ever known were people beating the system: gamblers, pimps, numbers-runners, narcotics dealers. People from the ghetto who make a legal success of themselves do not remain in the ghetto as examples for the young.

Federal, state, city, and private programs have been developed in an attempt to counteract some of the disabilities faced by the young ghetto resident; welfare assistance, remedial education, addiction treatment, employment guidance, job training, health programs, legal services, are all available. But few reach a person when he may need them most–at the time of arrest–and even fewer focus specifically on people accused of a crime.

The Manhattan Court Employment Project (MCEP) is an experimental attempt to intervene in the usual court process just after a defendant's arrest, to offer him counseling and job opportunities and, if he cooperates and appears to show promise of permanent change, to recommend that the prosecutor (District Attorney) and the judge dismiss the charges against him without ever deciding whether he is guilty. Thus, the MCEP attempts to convert a participant's arrest from a losing to a winning experience. The system stands to benefit from this conversion as much as the defendant. Successful participants leave the project working and earning an honest living, the community gains a taxpayer, and the resources of the overburdened criminal justice system are freed to attend to serious cases.

8 / *MANHATTAN COURT EMPLOYMENT PROJECT*

In brief, the MCEP operates as follows: Shortly after each arrested man is brought to the Manhattan Criminal Court for arraignment (appearance before a judge, setting of bail, and assignment of counsel), our screening unit reviews his papers, checks his prior record, and interviews him to see whether he is eligible to take part in the project under standards drafted by project staff and the prosecutor's office. If he is eligible and he and his lawyer agree to his participation, we ask the prosecutor to request the judge to adjourn his case for 90 days and release him on recognizance, i.e. without bail. The court and District Attorney approve about 70 percent of these requests.

A new participant, frequently coming straight from the court's detention cells, is taken to the MCEP office in the court building and is assigned to a Representative (counselor), who will take prime responsibility for him throughout his time with the project. If he needs money or immediate services of some kind, he is sent to the Social Services Unit, which consists of two employees of the city's Department of Social Services (formerly the Department of Welfare) who have been assigned to work with project participants.

The project offers participants two basic services: counseling with their Representatives, or Reps, and job placement through the Career Development Unit. The Representatives, who are nonprofessionals and ex-convicts, go to participants' neighborhoods regularly to talk over problems, meet their families, and just spend time with them. The Reps also see participants at the project offices and in group counseling sessions one evening a week at the project's clubhouse. A majority of participants also develop a continuing relationship with the project's Career Developers, who help prepare them for interviews and for jobs, set up appointments for them, and follow their progress by keeping in close touch with employers and project Reps.

At the end of 90 days, when the participant must appear for his adjourned date in court, we recommend that the District Attorney make one of three possible requests to the court: (1) dismissal of charges (if the defendant has met the basic requirements of the program); (2) a second adjournment to give us more time to work with him; or (3) in the case of defendants we have been unable to work with successfully, return of the case to the normal court processes. This last recommendation, by agreement with the District Attorney, carries no implication that will be used to the defendant's disadvantage in the continued prosecution of his case.

The project was designed in 1967 under the auspices of the Vera Institute of Justice, a private organization in New York City formed to

test and bring about changes in the criminal justice system of the city, and was funded by the Manpower Administration of the United States Department of Labor under a three-year contract.

The MCEP has been envisaged as working in two stages. The first, which this report covers, was the developmental period, in which the chief questions to be explored were the basic ones: whether the project was feasible at all; whether the court would accept and ultimately cooperate with it; whether it was possible to produce and observe a change in a significant number of participants in a three-month period; whether it was possible to predict what kinds of people might be most receptive to treatment based on jobs; whether our staff—particularly the nonprofessionals—would perform effectively; whether a data system could be designed for supervision and analysis of results. The project's work in the first phase answered these questions in the affirmative. The second phase, while we continue to take in and work with new participants, will be directed at answering four new questions: First, we will look at defendants who have been out of the project for some time to see if the project has had any apparent effect on their job situations and on their rate of recidivism (repeated commission of crime). Second, we will further define the types of defendants who can benefit from the project's services and try to estimate how many there are in the court population. Our experience during the first phase indicates that substantially more defendants than we accepted were eligible under the existing criteria and that the criteria might be expanded. Third, we will take steps to institutionalize the project in the operation of the criminal court so that our services become a standard part of the criminal justice process. Fourth, by demonstrating the effectiveness of our intervention immediately after arrest, we hope to make the point that other kinds of treatment—for addicts, alcoholics, prostitutes, and others—could be used to great advantage at this point in the court process.

I

Setting up the Project

The Manhattan Court Employment Project was planned as part of an existing administration of justice system with many component parts. The active support of these components was essential to establishing and running the project.

Both the judiciary and the District Attorney were involved in designing the MCEP. The Administrative Judges of the Criminal Court, on behalf of the sitting judges, agreed in principle to the project's outlines, and two months after we started taking in participants, Judge Edward R. Dudley, Administrative Judge of the Criminal Court, sent the individual judges a memo describing the project and briefly noting the essential admission criteria. (His memo is reproduced in Appendix IV.) The District Attorney is responsible for exercising discretion with respect to the prosecution of all cases in the Criminal Court. In conferring with representatives of his office, we came to an agreement on the general criteria for selecting project participants and on the procedures by which we would work, with an understanding that successful participants would not be prosecuted and that our failure to recommend other participants for dismissal of charges would not adversely affect them in the later prosecution of their cases.

The Chief Clerk of the Criminal Court approved our request for access to court papers and introduced us to clerks in the individual court parts. The actual mechanics of obtaining the information we would require for screening possible participants was left to our own invention. At first we tried to conduct our screening in the courtroom, from information out of the Legal Aid attorneys' copies of the court papers, but this was an

unwieldy arrangement and we were grateful after a few months to obtain desk space in the clerk's office in the arraignment court. This put us in a position to review automatically all court papers as they came in.

The Legal Aid Society, which represents 80 percent of the defendants in the Manhattan Criminal Court, served as consultants in formulating the acceptance criteria and devising the mechanics of our screening process. The Legal Aid administrators' support for the project encouraged their individual staff attorneys to let us interview and work with their clients. And as the project has become better known in the court, Legal Aid attorneys have become adept at advocating the assignment of defendants to the project.

The New York State Department of Probation permitted us access to background information contained in their standard bail recommendation form, which is attached to the court papers of most defendants. This meant we immediately knew the address, employment status, and educational background of defendants and could eliminate some on the basis of their papers alone without having to spend time interviewing them to obtain the same information. The department also agreed to let us work with defendants who were already under their supervision following a previous conviction.

The City of New York, through the Office of the Mayor (in cooperation with the administrative judges of the court), gave us office space in the court building and had it renovated to suit our purposes. The Office of the Mayor helped in various other ways to get the project established. The Criminal Justice Coordinating Council (CJCC) and its Manhattan Court Employment Project Committee, both created by Mayor Lindsay, continue to provide useful support in dealing with major agencies involved in the criminal justice system. The CJCC combines city agencies and representatives of private business in coordinating efforts to reduce crime and effectively deal with problems related to crime in New York City.

There is no question that sponsorship of the project by the Vera Institute of Justice was a deciding factor in our gaining entree to the court and related agencies. Confidence in Vera inspired them to give us the benefit of the doubt and a trial period in which to prove ourselves.

By and large we have had good relations with the various court agencies. We have been aware of administrators' need for information about us and have taken care to avoid infringing their prerogatives without prior consultation and permission, particularly in our relations with the administrators of the Criminal Court Bureau of the District Attorney's

office.* In the first few months of operation, we made a point of informing the head of the bureau about every case in which either the facts or the defendant's eligibility were in question, before misunderstanding could arise. We also consulted him on how we would treat rearrested participants and discovered addicts, as well as on the final recommendations for participants who had completed their time in the project. The head of the bureau eventually named one of his assistants as liaison to the project, and this assistant now reviews all final recommendations and surveys our screening operation. Project staff members have lectured new assistants at scheduled training sessions and numerous District Attorneys have visited our offices.

We took care to stress throughout the planning that MCEP would stay out of the adversary process, avoiding identification with either prosecution or defense. We wished to establish ourselves, instead, as an alternative disposition available to the court, the District Attorney, and the defense attorney. We also stressed the fact that we were aiming to work eventually with a huge number of participants in New York and that the format of the project would, we hoped, be duplicated in many other cities. We thought it essential to handle the relatively small number of defendants accepted during the experimental phase according to procedures that would work equally well with larger numbers of people and that could be easily explained to people in other jurisdictions. This meant that the rules for selecting defendants for the project had to (1) be based on readily available objective information rather than on long interviews or investigation; (2) delineate *classes* of people who seemed likely–or unlikely–to benefit from the project rather than individual, case-by-case chances for success; and (3) be clear-cut and, as far as we could manage, uniformly adhered to by everyone in the court and the project.

Endorsement by administrators in the criminal justice system's various agencies did not mean acceptance by the working staff in those agencies; that was a far slower process. We had many barriers to break through. For instance, it is a deeply held belief, in the court as in our society at large, that punishment should be the reward of crime. In fact, most people who work in the court know that less than one fifth of those arraigned will spend any time in prison on a particular charge, but in spite

*The District Attorney's office comprises a number of bureaus, including rackets, homicide, supreme court, the criminal court, etc. All new arraignments first go through the Criminal Court Bureau, and the majority remain there for prosecution. This bureau is key in the operation of the Manhattan Criminal Court, and most of our dealings have been with the Assistant District Attorney in charge of it.

of that knowledge they exhibit a consistent emotional resistance to giving a defendant a "break"–and in the minds of most court personnel, the MCEP is distinctly a break. This attitude varies in its effect on our work, but it is a constant factor to consider.

The experimental nature of the project, and the fact that we exist by the good grace of the court and its component agencies, have made us sensitive to our relations with staff at all levels and to unwritten traditions observed in the court building. Inevitably there have been misunderstandings, which we have been eager to clear up as soon as possible.*

After a year of operation, we realized that for most people in the court, most information about us came from their contact with our screeners. This staff consists of college undergraduates who have made conscious efforts to get to know all segments of the court staffs; as a routine procedure they follow up on misunderstandings or the more common rejections of apparently eligible cases by either judges or prosecutors. The smoothness of the screening operation and the efficiency of its data and record systems have made a good impression in court.

*Some of these misunderstandings have had their amusing side. In one incident, a head clerk entered a project office not normally used by the public, pointed at a poster of Fidel Castro on the wall, and asked, "Who's that?" A newly hired staff member replied, "That's our first participant; we got him a job as a prime minister." The humor was not appreciated and with apologies we took down the offending item. In another episode, a judge raised serious objections to having any female screeners work in the courts or detention cells. It turned out that he was actually objecting to the length of their skirts and, accordingly, hemlines came down.

II

Selection of Participants

Screening concerns itself with the questions of which arrested persons should enter the project and what is the best procedure for selecting them. Two thousand new cases come into the Manhattan Criminal Court each week, and a much greater number than that, arraigned in previous weeks, make new court appearances. As we first planned the project, we knew that theoretically each of these represented a potential project participant on whom the facts would have to be compared with our selection criteria. We tried to design a screening system which was based on information available in existing court papers, which minimized subjective judgment in selecting participants, and which could be applied by clerical personnel. We found we were able to satisfy the first two points, but the job of screening developed into a far more complex and taxing one than we had anticipated, and it has never been given over to clerks to perform.

We have a well-developed set of official criteria as the basis for selecting participants, but it is essential in understanding the screening process to realize that unstated standards are also applied–first by the District Attorney and the judge, both of whom have reservations about many kinds of defendants we would willingly work with, and second by our own staff, particularly the Representatives, who have distinct ideas of their own about whom the project should be taking in.

Since the screening operation began in February 1968, we have accepted an average of about ten participants each week. (The original projection was for twelve a week, but the unexpected need to work with a third of the participants beyond their first three months with the project has kept the number down to ten.) This figure does not reflect the entire population in the courts actually eligible for the project: The screening unit has operated only during weekday arraignment court sessions, and even then it sometimes closes down when counseling caseloads are full. Screeners

do not consider weekend or night court cases (which are nearly equal in number to the weekday cases) except those specially referred by court personnel; nor, by and large, do they take the time to go through papers on the vast number of violation cases, in which the maximum potential sentence is 15 days. On the average, screeners examine papers on 1000 cases in order to come up with 10 participants.

The project staff must locate and select participants, for the court itself is not geared to identifying defendants who might benefit from services such as we provide. Although judges, prosecutors, arresting officers and defense attorneys refer more cases to us than they used to, the numbers are still small and depend upon impulse rather than an automatic step in the consideration of every case. Therefore, we depend entirely on our screeners, who work in the court as outsiders conducting an experiment grafted on to existing court procedures and forms, for finding eligible participants.

ACCEPTANCE CRITERIA

From the start, we have known that a project based on employment and personal counseling aimed at eliminating obstacles to successful employment would not be able to deal successfully with alcoholics, heavy narcotics users, or prositutes. (There is a great need for agencies whose services are geared to these groups and which, like the MCEP, would intervene shortly after or perhaps even in lieu of arrest. The present court system does little to alter the behavior patterns of these people.) Nor would the project be particularly useful for middle-class defendants whose likelihood of repeated involvement in crime is predictably low.* Keeping these points in mind, the criteria for selection of participants were designed to identify those people least likely to benefit from the project and to eliminate them from consideration, leaving the remainder eligible. We could not say with assurance whom we could help, we could only say accurately whom we could not help.

Inevitably the criteria were shaped partly by the political realities of the court as well. Although we may have felt we could be useful working with defendants charged with a serious felony and showing a record of numerous prior arrests, it was clear that the court, mindful of the public

*The Youth Counsel Bureau, an agency funded by the city, works with first offenders between the ages of 16 and 19 who are charged with misdemeanors or violations and recommends dismissal of charges for responsive defendants.

to which it is responsible, would be far more reluctant to allow such defendants to participate.

Our official criteria can be summarized thus:

1. The defendant must be male
2. He must be over 16 and under 46 years old
3. He must be a resident of New York City with a verifiable address
4. He must not be identified as a drug addict
5. He must be unemployed or, if employed, earning nor more than $70 a week, plus $5 for each dependent
6. He must not be charged with armed robbery, homicide, rape, serious assault, first-degree burglary, or with a variety of other serious, if rarer, crimes such as kidnapping and arson
7. He must not be a full-time student
8. He must not have previously served more than six months in prison
9. If on probation, he may participate only with the consent of his probation officer
10. He must not have more than one other pending case, or if charged with a felony, another pending case on a felony charge.

We recognize that these criteria are quite restrictive. Under them, out of every 1000 cases we examine, only 10 qualify. But until we gain the confidence of the court and have a considerably larger staff we believe the restrictions to be justifiable. The reasoning behind them is as follows:

1. *He must be male.* Most women defendants are arrested on drug or prostitution charges. We are not equipped to deal effectively with drug problems and we doubted we could have an effect on women charged with prostitution who were accustomed to an income many times that of any job we might refer them to.

As for women defendants charged with something other than prostitution or drug possession, use, or sale, we excluded them because of concern about the innumerable extra problems that dealing with women would present to the project's Representatives, who are not professional counselors and who have many difficulties to work out in their unaccustomed role. However, we plan to accept women once we feel our counseling response is adequate.

2. *He must be between 17 and 45 years old.* Defendants who are sixteen years old are excluded because the law requires them to be full-time students, because of the difficulties of finding employment for them or establishing an independent welfare case, and because of the fact that

they are usually not independent enough of their parents to deal with us themselves. Persons over 45 are excluded because they present placement problems, usually have long criminal records or are alcoholics, and do not easily fit into a counseling group composed mainly of people in their twenties.

3. *He must be a resident of New York City with a verifiable address.* People living outside New York have difficulty meeting the requirements of group counseling attendance, are difficult to visit, and are hard to locate if they do not appear for scheduled appointments or drop in at the project office. Persons living in the city but without a stable address are more likely than others to disappear, and if they do, finding them is impossible.

4. *He must not be identified as a drug addict.* Persons using drugs heavily do not benefit from an employment project and we have been inadequate in persuading those who come undetected through our screening process to seek treatment for their addiction. We exclude all persons accused of drug possession (except marijuana) in the belief that a high proportion of them will be addicts and the knowledge that we cannot distinguish an addict from an occasional user in the screening stage. But even though all persons entering the project have "clean" drug records, a quarter of them prove to be addicts, and they constitute a large proportion of the defendants we do not serve effectively.

5. *He must be unemployed, or if employed be earning no more than $70 a week plus $5 for each dependent.* An employment project obviously can be of most use to those who do not have jobs. Nevertheless, some people who are already working might benefit from our services if they could be persuaded to seek better jobs or possibly enter training programs to enable them to do so. The District Attorney's office originally felt that we should accept only unemployed defendants, and it was through discussions with that office that we finally arrived at the $70 figure, although that is an artificial cutoff point and we do not always adhere to it literally.

6. *He must not be charged with certain crimes.* The nature of the charge against a defendant is a key determinant in how seriously his case is regarded by the court. Bail is consistently set higher for defendants charged with serious crimes, and if they are convicted, sentences are stiffer. It would be extremely unrealistic to expect the court and the District Attorney to release such defendants. Therefore we automatically exclude persons charged with homicide, serious assault, forcible rape, and armed robbery.

Various so-called sexual perversions and a host of serious but rarely occurring crimes (arson, kidnapping) are also excluded, but the number of defendants involved is small.

Other charges are excluded because of our assumption that we cannot successfuly work with the defendants: we do not accept gamblers, pimps, and others who make good money in the street economy because we cannot compete financially with their accustomed income. We exclude all defendants who are charged with public intoxication on the assumption that most will be alcoholics. Alcoholism, like drug addiction, is beyond our capability to treat.

Although the criteria do not formally bar them, we have gradually made a practice of eliminating from consideration persons accused of violations (such as loitering and disorderly conduct) since the magnitude of their potential sentence (a maximum of 15 days) is so small as to make their cooperation less likely. Our experience with the persons charged with violations whom we have accepted justifies this exclusion; only 21 percent have achieved dismissal of charges, compared to an overall project dismissal rate of 39 percent. (See Appendix III; chart 12.)

7. *He must not be a full-time student.* Persons who are at school cannot benefit from an employment project unless they are seeking work at least part-time. Most high school students are too young for us to consider, and nearly all college students are middle-class.

8. *He must not have previously served more than six months in prison.* Like the seriousness of the charge, a defendant's prior record is key to how the court regards the case. After consultation with prosecutors and administrative judges, we decided to take months in prison as the most important deciding factor in a man's record, rather than the number of prior arrests or convictions. Prosecutors and judges, using their discretion, often exclude defendants with numerous previous arrests, even though they have served less than six months in prison; but our project screeners do not eliminate defendants on this ground.

9. *If he is on probation, he can participate only with the consent of his probation officer.* A defendant who is arrested while he is on probation is liable to imprisonment on that basis alone. Although technically the project could take a participant in this situation and work with him for three months, we do not do so if we know in advance that his probation officer plans to prosecute for the probation violation after the participant has completed his time with us. In practice the great majority of probation officers are glad to cooperate and waive prosecution for the violation. Probation officers are kept informed of the progress of

participants who are their responsibility; if the progress is marked, it may be a deciding factor in ending the participant's probationary period.

10. *He must not have more than one other pending case or, if charged with a felony, another pending case on a felony charge.* Like defendants with lengthy prior records, those with a number of pending cases appear to be bad risks to prosecutors and judges, and this rule excludes them.

These written criteria for entry have changed relatively little since we began operations. The upper age limit has gone from 25 to 45 and the permissable prior record has gone from three months in prison to six; we did not originally work with probationers and now have arranged to do so. But the applied criteria, the standards under which we are actually permitted to work, have gradually expanded to meet the written standards as court personnel have gained confidence in the Manhattan Court Employment Project.

Seventeen of the first 100 participants we accepted were accused of a felony at the time of arraignment (many had their charge reduced to a misdemeanor before they came to our attention, for example because of lack of evidence to prove the higher charge). Forty-one of the most recent 100 participants were accused of a felony. (See Appendix III, chart 12).

Besides their reluctance to release felons for project participation, many prosecutors and judges hesitate over cases where violence was involved in the crime, where the defendant resisted the arresting officer, where a complaining witness lost property that has not yet been recovered, or where a complaining witness objects to the accused's participation in the project. A measure of the increasing trust in us has been the court personnel's willingness to abandon these more restrictive criteria.

Ultimately the Manhattan Court Employment Project ought to be able to work with many people excluded by the current criteria; viz., many women defendants, persons under 17 and over 45 years old, persons with some drug arrests (assuming a longer interview or other procedure to discover which of these are not now addicted), persons charged with violations who show high motivation for the project despite the low sentence they would face on this arrest, persons charged with some of the felonies now formally excluded, and persons with a prior record of more than six months' imprisonment. In addition, the project might accept full-time students who would benefit from the counseling program even though they were not in need of employment services. We might take

employed persons earning more than $70 a week, expose them to our counseling services, and possibly help them secure better employment or training. Ultimately, even broader categories of defendants might come under consideration. Perhaps it would be possible, for example, to declare eligible for the project most defendants who are freed by the court on bail or on their own recognizance pending disposition of their cases regardless of whether they meet the project criteria. Since all these persons would be at liberty in the community anyway, the risk of allowing the project to work with those who are interested (and dismissing charges against those who respond favorably) would not be great. Naturally, there would be no change in either criteria or procedures without first consulting the relevant court agencies and experimenting with a small sample of defendants.

OPERATIONS: FINDING DEFENDANTS WHO MEET THE CRITERIA

After an arrested person is booked at a Manhattan police precinct house, he is taken to the Criminal Court building by his arresting officer. (A small percentage of arrested persons are issued summonses specifying the date on which they must report to court and are released at the precinct house.)

If the officer believes that the defendant will be charged with certain crimes (all felonies, some misdemeanors and violations), he is required to pick up a copy of the defendant's prior criminal record, if any, from the Police Department's Bureau of Criminal Identification. He takes this down to court with him.

The officer registers the accused in the prison wing of the court building where the defendant is interviewed by a Department of Probation officer. The information he gives on his background is noted on a form submitted to the judge to help him decide whether bail should be set or the defendant should be released on his own recognizance.

Following this interview, the defendant is lodged in a cell until his case is called; meanwhile the arresting officer and the complaining witness, if any, meet with an Assistant District Attorney. Based on the facts of the alleged crime, the A.D.A. draws up an affidavit which formally charges the defendant with a crime and briefly describes the events. If the officer believes the defendant to be a drug addict, he will fill out a form listing his reasons. Under state law, the judge may later order a medical examination concerning addiction.

All the papers are then collected and delivered to the clerk in the

arraignment court. They may include a charge sheet, the Probation Department's background information sheet, the defendant's prior criminal record and a narcotics addiction form. Copies of all these forms will go to the defendant's lawyer, the prosecutor, and the judge at the time the case is called for arraignment—reading of charges, assignment of defense counsel, setting of bail, and adjournment to a later date.

A member of the project screening staff is on duty in the clerk's office of the arraignment part during the weekday sessions, reviewing the papers of all defendants as they are brought in by the arresting officers. Ninety percent are found ineligible for the project based on the papers alone—because of the charge, the prior record, drug use, age, or sex. On the remaining 10 percent, the screener fills out all entries he has the information for on our standard screening sheet. Six out of ten of the defendants we consider have a prior criminal record indicated on their court papers. If no record is shown the screener will place a call to the Police Department's Bureau of Criminal Identification, which can do a check of its records based on the defendant's name, address, and birth date. These are sometimes inaccurate, particularly if the defendant's name is common, but the court system relies on them for quick checks and so do we.* When dispositions of arrests are not entered (the records are about two years in arrears), the screener checks them in the docket room.

A second screener approaches the Legal Aid attorney in the arraignment part and asks him to hold the defendant's court papers until our investigation is completed. (The attorney's cooperation prevents the case from being called.) The screener then interviews the arresting officer, any relatives or friends of the defendant who are present, and any complainant who is in court at that time. These people can frequently supply additional information about the alleged crime or about the defendant's background, and the screener can inform the officer and complainant of our interest, explain the project and encourage their approval or, at a minimum, passive cooperation.

If all information received continues to meet our criteria, the screener interviews the defendant, usually in the detention cells behind the court room. The circumstances are far from ideal; the cells are crowded

*The District Attorney's office has pressed us to fingerprint all defendants we wish to accept if their charge does not require fingerprinting already. We have resisted this because we did not want to subject participants to any burden they would not have otherwise had to bear and because it would be an additional clerical burden on our staff. The code of criminal procedure in New York State will soon require fingerprinting after all arrests and this will resolve the problem.

and noisy, and most defendants are frightened, tired, suspicious of anyone questioning them, and primarily interested in getting out of jail.

The screener explains that he is from an employment project and asks the defendant as many questions as he must to complete the screening sheet–chiefly about the defendant's present income, educational level, drug use and verifiable addresses of his family and friends. If a defendant has been in New York for any length of time, it is unlikely that he cannot give a reference we can reach, and having such a reference will give the project staff some means of finding the defendant if, after entering the project, he chooses not to telephone or come in to see us. This practice tends to reveal some defendants who are unwilling to be candid with us and others who are transients in the city. Eliminating transients is regrettable, but the alternative seems worse–there is nothing we can do for a "ghost" who loses touch with us shortly after entering the project, and he will have meanwhile taken the place of someone for whom the project might have been significant. Generally, addresses can be quickly verified in our reverse telephone directory (number and names listed by address) or by a telephone call to a number supplied by the defendant. If the defendant's facts conflict with information received from other sources, or if the screener suspects that he is lying, he will confront him with this impression and try to get accurate data. About 85% of the defendants interviewed are found not to meet the criteria.

If the court papers, interview, record check and verification procedure leave the defendant eligible, a Representative–one of the project's non-professional counselors–is asked to interview him, not so much to get more facts, although this may be useful, as to get a personal impression of the man. He explains the project more fully than the screener took time to do, and if he judges the defendant to be a good possibility, solicits his participation. About 5 percent of the defendants he speaks with refuse to participate, regarding the project as too much trouble, or preferring to handle their cases alone. The Reps in turn exclude about 15 percent of the people they talk to, most of them people the Reps believe to be drug addicts, mentally ill, or alcoholic. They also exclude a few defendants who, in their judgment, are interested in the project only for its ability to get them out of jail.

Our original plan was to have the Rep be the only project staff member in contact with a defendant before he was accepted by the project, in order to differentiate us in the defendant's eyes from all other court personnel he saw. We assumed that the screeners would get enough

information from court papers so that they could determine a defendant's eligibility without having to talk to him, and then have the Reps speak only to those we planned to accept. However, we found that we needed to talk to many defendants to complete our investigation and that we frequently found them ineligible in the process. To make the Reps do all these interviews was an impractical use of their time, so the screeners became the first contact between the project and a potentially eligible defendant. However, we continued to include the Reps in the screening process even though this meant an apparent overlap of manpower. The Rep is able to make judgments and elicit information about drug use and other aspects of a defendant's background which a screener could not. Furthermore, we feel it is important for the Reps' morale that a member of their unit have a say in the acceptance of participants. Finally, we think that the understanding struck between Rep and defendant is on better ground if the relationship begins before the defendant knows he is in the project for sure.

Cases that remain eligible after the interviews require important approvals before they can be adjourned for 90 days and the defendants released on recognizance for participation in the project: that of the Assistant District Attorney on duty in the arraignment court, and that of the presiding judge. (The agreement of the Legal Aid defense attorney is secured before we interview the defendant.) The screener first takes the case to the A.D.A., generally requesting his approval off the record so that if the A.D.A. has some objection the screener can talk to him at greater length in the next court recess, or take the time to secure additional information he may want on the case. With the A.D.A.'s approval, if it is obtained, a formal recommendation is made on the record to the judge either by the A.D.A., defense attorney, or sometimes the screener. If the judge resists the request, the screener, with all the background facts at his command, can frequently make a persuasive argument about the defendant's specific problems and the services we feel we can provide him. Nevertheless, between a quarter and a third of all requests for the release of defendants to participate in the project are refused by either the prosecutor or the court, usually on the grounds of the severity of the present charge or the length of the defendant's prior record.

If a case looks promising but screening cannot be completed at arraignment (for example, if a verified address cannot be obtained before the case is called) or the project's request for the defendant is denied, a screener will appear at the defendant's next court hearing in one

of the adjourned court parts* and attempt to obtain the defendant's assignment to the project. We also act on referrals from individual judges, prosecutors, defense attorneys, or police officers who have cases in adjourned parts that they believe are eligible for the project. (Few of these cases ever passed through our screening process, because they were arraigned in night or weekend court.) A number of the adjourned part cases involve defendants who are already out on bail or recognizance. We have found that persons already out on bail or their own recognizance tend to do better in the project than those taken from custody. The fact that they have returned to the court hearing at which we screen them is some indication of their responsibility and it carries over to their performance in the project. The screeners usually have three or four cases to follow up in adjourned parts on any given morning, which puts an additionally taxing task on the shoulders of the staff of eleven. At the end of most weeks, about half of the new participants have come from adjourned parts and half from the arraignment part. For purposes of speed, efficiency, and allocation of manpower, we prefer screening in the arraignment part. Also, we like to get the defendant as early as possible in the court process, since relief of court congestion is part of the project's rationale.

In an average week, the project's screeners look at the court papers on 1000 cases. On the basis of papers alone, about 900 of these cases are eliminated from consideration. The screeners' personal interviews with defendants, officers, complainants, and friends and family of the defendant usually bring the number of potential participants for that week down to 15 or 16. The Representatives eliminate two of these. Of those that remain, the D.A. or the court will reject about three. On the average, this whole process of screening produces 10 new participants for us every week.

Beyond this, it is also the screener's job to take the newly accepted participant to our office, to give copies of the completed screening sheet to the Human Services and Career Development units, and to file the original screening sheet in his own records. Then he sends a form letter to the D.A.'s office, informing him of the defendant's acceptance. The screeners' files of sheets on both accepted and rejected defendants provide each week's screening statistics, which record trends in this unit.

The screeners have gradually evolved a data-collecting system of

*All defendants make their first appearance in one court part called the arraignment part. Each case is then adjourned, i.e. assigned a date for further hearings, in one of a number of courtrooms, generally referred to as adjourned parts.

increasing complexity to describe more subtle distinctions in the kinds of defendants both accepted and rejected by the project and the treatment of their cases in the court.

PARTICIPANTS

In the first 23 months of the project's work, through this screening operation we have taken in 850 participants. Half have been black; a third Puerto Rican or of other Latin descent. Most dropped out of school at about the tenth grade, although a few had completed a year of college, but their levels of academic performance were considerably below grade level. All have come from poor families and have had few financial resources of their own. (In all these regards they resembled the court population at large.) Those participants who have had previous work experience have worked an average of thirty weeks a year, and 61 percent of them have never earned over $70 a week. The average age of participants is just over twenty; most of them are between 17 and 22. Eighty percent are unmarried. (See Appendix I, charts 1-3.) A large minority have been arrested one to four times in the past but none has ever served more than a year in prison.*

During the 23 months of the first phase there has been a slight increase in the average age and education level and a larger increase in the proportion of participants who are married. These changes were caused chiefly by the shift of our screening operations from adolescent court to the general arraignment part, by the growing numbers of participants with longer prior records, and by our increased stress on the verification of background information. This latter procedure also tends to eliminate the most transient defendants from consideration.

Nearly a quarter of all our participants prove to be depending on drugs sufficiently to interfere with their participation in the project. Our work with almost all these people is unsuccessful. (See page 34.)

Most of our participants have broken the law repeatedly, exposing themselves to the risk of arrest and their neighbors to the risk of injury, but their actions seem entirely unplanned, often poorly executed and—considering the dangers involved for them—extremely unprofitable. Car theft, shoplifting, robbing a victim of four or five dollars by means of personal threat, entering an empty slum apartment to burglarize it, or smoking marijuana are typical of their crimes. Many have committed all

*At one point our criteria permitted acceptance of defendants who had served up to a year in prison. This was later shortened to six months, the present rule.

these crimes at different times and only chance determined whether they would be arrested for burglary or for running through a subway turnstile.

Most of them have a key characteristic in common: they don't believe they can succeed at anything straight and, even if they thought they could, would not know how to go about doing it. Having been counseled and programmed throughout their lives, they have generally lost faith in outside helpers. Most know that the chances of going to jail if prosecution proceeds are relatively low, so they feel little compulsion to cooperate with the project unless it can deliver something for them, and deliver it pretty fast.

III

Human Services

In a job program for the disadvantaged, one of the chief concerns is building a bridge between the world of the street and the world of offices, desks, schedules, and responsibilities. Employers expect punctuality and dependability; most defendants in the criminal court are hostile to the middle-class working world and, because few have ever had the experience of being relied upon, have no grasp of standards of behavior that most employers take for granted. If a marriage is to be made, both sides have to give a bit. The function of our Career Development Unit is to find employers willing to take a chance on hiring unskilled people with a pending charge in criminal court and to unbend a little in their expectations of how these people will perform on the job. The function of the Human Services Unit is to work with the project's participants on the myriad personal problems that stand in the way of their earning a living by legal means.

There are eight counselors—the Representatives—at the project. None are professionals; instead, they are men from much the same backgrounds as most of our participants. However, few participants have served more than six months in prison and none more than one year. The present Reps have prison records behind them that range from 2½ to 19 years. As counselors for young offenders the Reps are a highly believable group. They speak the language of the streets, know the ghetto neighborhoods, and are themselves extraordinary examples of people once in the same circumstances as the participants but who are now visibly making it *in,* instead of outside, the system. They work under the supervision of three professional counselors. Starting with certain general goals, the Human Services Unit has experimented in defining the Reps' job as they went along. As a result, their specific responsibilities have continually changed and grown during the 23 months. It has been an exciting, instructive and sometimes dis-

couraging process. If this section describing the Human Services Unit is disproportionately long, that is because the development of this unit has presented the most complications.

As it now stands, the Representative's job is to:

1. interview prospective participants in the court's detention cells as part of the screening procedure;

2. take primary responsibility for the progress of 15 to 25 participants, attempting to gain each one's trust and cooperation, and helping him to solve his personal, financial, legal, medical, and vocational problems;

3. refer participants to appropriate services and agencies (including the project's own Social Services Unit) when there is a particular need;

4. meet with all his participants one night a week at the project's clubhouse for a group counseling session;

5. meet with his supervisor before each group session to review the previous session and plan the upcoming one;

6. maintain statistical and descriptive records of each participant's progress;

7. determine the appropriate time to refer the participant to the project's Career Development Unit, advise the Career Developer of the participant's needs, and closely follow that unit's work with the participant;

8. help participants secure the return of fingerprints and bail money and vacate bench warrants (i.e. getting a defendant who missed a court appearance back on the court calendar without penalty);

9. prepare an initial recommendation for the disposition of his participants' cases at the end of their time in the project;

10. appear in court with each participant to provide information about his progress, beyond that contained in our written report;

11. continue his own training as a counselor through individual sessions with his supervisor and group meetings once a week with the whole unit; and

12. meet applicants for the position of Representative and interview them in a group setting.

In short, it is the Rep's job not only to counsel the participants as well as he can and to work constantly at improving his abilities in this direction, it is also his job to be responsible for the participants to everyone except employers they have to deal with in connection with the project.

The most significant conclusion to come out of the past 23 months is that the Reps are capable of establishing a relationship of respect, trust,

and often affection with significant numbers of our participants. The main reason is their commitment to each participant, independent of stereotype or even, frequently, the participant's past behavior. The Reps have consistently assumed a partisan role for their participants in the face of the court, the prosecutors, and MCEP administrators. For example, they will continue to work with an addict even though they have failed to persuade 90 percent of the previous addicts to seek treatment or remain in the project. They will strongly request the right to continue to work with a participant who has been rearrested. Their refusal to be guided by actuarial predictions has sometimes meant their energies are misallocated, but their willingness to stick with participants is infectious and one of their strengths.

DISTRIBUTION OF CASELOADS

Until June 1969, participants were assigned to whatever Rep was available to begin work with them when they entered the project, with prime attention given to equalizing the size of the caseloads. With participants in each caseload scattered around the city, Reps' visits to them were difficult to justify since travel consumed a lot of time and other participants were likely to appear at the office while the Rep was away. As a result, participants came to the project office for most contacts. The advantages of the Reps' spending most of their time in the office were that they were on call for screening interviews and appearing with participants on their court dates, that supervisors were always available for consultation, and that Reps had easy access to their records and to the other project components. But once the Reps were reasonably comfortable dealing with participants with a minimum of supervision, and once routines for their court work were established, the defects of the office-based program became apparent. It made minimal use of one of the Reps' greatest assets: their knowledge of the city's ghetto neighborhoods and their ability to move easily in them. Many were uneasy in a desk-bound setting and felt that it played to their weaknesses rather than their strengths. And obviously many participants would be more likely to talk openly on their own turf.

In June 1969, the Human Services Unit devised a schedule in which half of the Reps' working time would be spent in an assigned neighborhood of the city. The existing caseloads and new participants were reassigned according to their home addresses. As a result, a Rep's entire caseload would live in a relatively small geographic area.

Two former Representatives were designated as unit coordinators over teams of four Reps. On the days when Reps do not report to the office, they telephone their coordinator several times a day to report on the participants they have seen, receive information on new participants assigned to them, get messages from other participants who might have phoned in, and answer requests from the other project components.

Out of every two weeks, each Rep now spends five days in the project office. He is there every Friday with all other Reps for unit meetings and training sessions. He is also there once a week to conduct group counseling sessions in the evening. He spends that afternoon meeting with his supervisor (one of the professionals) to prepare for the group session and to review the progress of his caseload. Then one day of every two-week period he spends in the office conducting all screening interviews that are required, meets with any of his participants who may come into the office, and catches up on his records and reports.

Since the change of schedules, there has been a marked increase in the proportion of the total caseload that is in touch with the project every week at neighborhood meetings, group counseling sessions, or office visits. We speak with about 80 percent of our active participants each week, compared to about 65 percent before the field-based program began. As a result of seeing participants more often just before they have scheduled job interviews, the Career Development Unit reports a 50 percent drop in the number of participants failing to report for interviews.

Reps and supervisors have a more complete picture of the participants they work with as a result of seeing them and their families and friends in their normal life settings. More information is verified, we have closer contact with other agencies working with participants or their families, and fewer participants are missing required court appearances.

There are some problems with the new arrangement. Supervisors are less accessible to the Reps for consultation on participants' problems or to help counsel the Reps when their own difficulties interfere with their productivity. Supervisors were much more aware of the Reps' moods and problems when they were working in the office. When one Rep is ill, it is difficult to assign another to cover for him since this would involve traveling to his territory rather than just meeting with his participants who come to the office. The unit coordinators have filled in for absent Reps so far. With more contact with participants' families, the Reps are being confronted with the life styles and problems of older people and in most cases they feel unprepared to handle them. Their supervisors are

working on this problem in weekly training sessions. The "problem" reflects the virtue of greater neighborhood work; we are obtaining a much broader picture of our participants' situations.

The Reps appear to function best with no more than about 20 participants at a time. At one point, before the change to the neighborhood system, a rise in the number of participants sent the average caseload up to twenty-five per Rep. The Human Services Unit felt severe strain at that point and Reps reported great difficulty in attending to their participants as well as before. Since the switch to neighborhoods, the Reps' caseloads have not gone above twenty, and no strain has yet been reported.

Occasionally participants have to be shifted from one Rep to another because of incompatibility or the need for special support – some Reps for example seem better able to work with addicts – but this has not been a general administrative concern of the unit. Most participants stick with the Rep to whom they are first assigned. Participants who speak only Spanish are sometimes assigned to Reps who have little ability in the language and the unit has sometimes been lax in adjusting this situation, particularly when the participant is employed and presents no overt problems. Also, while a number of the Reps are Puerto Rican or of Latin descent and speak good Spanish, none has felt fluent enough to lead group counseling sessions in Spanish. As a result, the few participants who speak little or no English have not been able to participate in group.(For other problems with Spanish-speaking participants, see page 47.)

GROUP COUNSELING

Reps do a lot of individual work with their participants, but the group counseling sessions are an essential tool in their work. Groups give their members a forum where, by interacting with each other under the guidance of a group leader, they can begin to identify the feelings that underlie their behavior and attitudes towards other people and themselves. Within the group they can try out ways of expressing their feelings (love, frustration, anger, pain) without harming others or themselves. They learn that there are no bad feelings which must be resisted–only bad (i.e. harmful) ways of expressing them. They begin to realize that if feelings are not acknowledged and safely expressed, they will find unintended channels for expression–sometimes through impulsive or dangerous acts. Knowing more

about one's feelings and knowing one can handle the feelings without shame or injury are often sufficient to bring about changes in behavior.

The MCEP group sessions go on at the project's Lispenard Street clubhouse, a few blocks from the court. We felt it was essential to remove the group counseling function from the highly-charged associations that participants have with the Criminal Court building, where the project offices are. Although we first considered using a storefront nearby for the purpose, we finally agreed that it would be a good idea to give the participants a taste of luxury in a clubhouse where the atmosphere alone would be an inviting factor in persuading them to attend group sessions. One of the project's associate directors persuaded Playboy Enterprises to contribute handsomely toward decorations and furniture; the result is a five-room suite carpeted in a familiar bunny pattern, filled with brightly colored chairs and low coffee tables, and provided with shelves to house a library of paperbacks and magazines. One room has a pocket billiard table in it, another a stereo. Altogether, the place gives a feeling of privacy and comfort which greatly facilitates the group counseling work.

Forty to 60 percent of the project's participants take part in a group session every week. Each Rep holds one session a week for the members of his caseload, who are encouraged to attend "group" from their first week in the project. About 15 percent are excused because they work outside the city, work at night (when the sessions are held), have other obligations, or are resistant to the group or unable to benefit by it. (The groups have not been appropriate, for example, for participants who are discovered to have severe emotional problems or mental retardation. These people receive increased individual attention instead.) Of the rest, as many as half may be absent in a given week, but project administrators are generally satisfied with the attendance, considering that the sessions are held at night and the clubhouse is a considerable distance from most neighborhoods. We have no way to compel attendance, but we do recognize that group participation is not strictly voluntary, since participants are strongly encouraged to attend and know that their attendance and performance in group will have some bearing on the final recommendation we make to the court on their case.

Group sessions tend to concentrate on a single topic, such as self-defeating attitudes, employment problems, crime, narcotics, the family, or implusive behavior. Problems are discussed in the particular, not the abstract; it is important to focus on each participant's feelings about the difficulties he faces in each area.

This may sound easy enough, but it is an extraordinarily difficult

job. The Reps are not professionally trained for this work, and in varying degrees at different times they feel considerable insecurity about it. Besides that, they face a group of participants who, by and large, are terrified of intimacy and have devoted a lifetime to covering up, not revealing their feelings. In their minds, breaking down and expressing what they feel, which is what the group encourages, is equated with a loss of masculinity. As for confronting the others in the group, that is a dangerous course since it will encourage them to reciprocate. This often gives the group a sense of solidarity against the Rep leading it. It is no wonder that the Reps spend a tremendous amount of their time with their professional supervisors going over problems they are having with their groups and analyzing tapes of earlier group sessions in order to learn what went wrong and what went right. (The learning process involved in the effort to make the Reps more skillful in this aspect of their work is described in detail in the section on administration and staff.)

Since participants enter and leave the project at the rate of about ten a week, the composition of each group changes each week. This inconsistency somewhat impairs the effectiveness of the groups, but we have not been able to come up with a better arrangement. We considered assigning all new participants to the same group, but since they are assigned to individual Reps by neighborhood this would place most of them in a group with a different Rep from the one who gives them individual counseling and support. We also considered assigning all new participants each week to the same Rep, but felt that this would be too much of a strain for him – and it would destroy the system of assignment by neighborhood. We choose to accept the diminished cohesion of the counseling groups instead.

REFERRALS TO CAREER DEVELOPMENT AND SOCIAL SERVICES

Early in our operations, we discovered that it was sometimes taking as much as two or three months for the Reps to refer participants to Career Development. The Reps were trying to solve all the participants' problems, including their difficulties related to work, before they thought they were ready for jobs. Also, this was the initial feeling-out period between Reps and Career Developers, and the Reps were being very cautious.

Project administrators felt that since jobs were the most tangible asset we had to offer our participants, and since the Career Developers had a valuable counseling contribution to make as well, that the referral should be speeded up. Reps were instructed to take every new participant to

Career Development almost immediately unless there was a compelling reason not to. Right away the speed of referral increased dramatically.

There was a corresponding drop in the number of participants referred to the Social Services Unit staffed by employees of the New York City Department of Social Services on loan to the project. Many participants need some income right away, and we devised the arrangement with Social Services to supply welfare benefits to eligible participants. It was natural that referrals to welfare should drop as referrals to jobs came far earlier in a participant's time with us. Sixty of the first 100 participants were sent to Social Services, as contrasted with 22 of the most recent hundred. Much of this shift is due to the Reps' increasing confidence in the ability of Career Development to deliver income-producing jobs fast, and to their feeling that exposure to the welfare system, however benevolently administered, should be avoided if possible because it fosters dependence. The project's Social Services supervisor has stressed the non-monetary services he can provide (medical referrals, for example) and urges the Reps to consult with him on problems without involving every participant in an interview with him. (See the section on Social Services.)

The Reps resented the first supervisor of the Social Services Unit because they felt he was not willing to get involved in participants' problems. When he was replaced in July 1969, the number of referrals to Social Services went up, but it is doubtful that it will ever return to its early peak.

REFERRALS TO OTHER AGENCIES

New York City offers myriad services that could be useful or even essential to our participants. The Representatives have visited agencies, schools, hospitals, drug treatment centers, mental institutions, prisons, halfway houses, welfare centers, community action groups, courts, and police precincts, sometimes in search of help for a participant, sometimes to speak about the work of the Manhattan Court Employment Project. Their growing familiarity with these agencies and services has greatly sharpened their eye for appropriate referrals and has given them the confidence to apply pressure at other agencies for continuing service to project participants.

NARCOTICS ADDICTS

The project's biggest referral problem is the discouragingly large number of our participants who prove to be addicts. Drug treatment centers are

small, have waiting lists and elaborate entrance procedures, and frequently are not of service even to the patients they accept. But the staff has visited almost all such centers in the city and established referral arrangements with the most helpful. A Rep now can secure an opening on fairly short notice for any addict in the project who is willing to accept treatment. But few of the addicts we discover among our participants are willing.

We knew before we started that a project based on employment services was not the place to work with addicts, who generally have difficulty meeting any responsibilities beyond the satisfaction of their habits. If we took addicts in as participants we would run the serious risk of their being rearrested for crimes committed to support their need; since the salary of jobs we offered could hardly cover the cost of it. Most important, experts in the treatment of drug use felt that permitting an addict to focus on anything except the need for treatment did him a disservice by fostering his delusion that he could get along simultaneously in the straight and the addict's world. So the first rule we established was: Don't take a defendant as a participant if you believe he may be an addict. Our screening criteria excluded any defendant who had been arrested this time or any other for possession or sale of drugs or drug apparatus, regardless of the disposition of the case.* We also excluded any defendant who admitted he was an addict or who showed signs of addiction in his interview with the screener or with the Rep.

There is a staggering proportion of addicts in the general court population, and it was inevitable that some would be taken into the project inadvertently. Nevertheless, it was a shock to find that one quarter of the defendants who came through our screening process were later found to be using drugs to an extent sufficient to impair their participation in the project. We have discovered their drug use in various ways: Most tell their Rep they are using; many show positive signs of addiction on a number of occasions; some are identified by their parents; a few who seem genuinely interested in the project are unable to keep appointments or meet other obligations, which at least indicates the possibility that they are addicted. A few of the participants who disappear have given their Reps the feeling that drugs might be the problem (although in some cases

*The criteria were later relaxed to permit acceptance of persons accused of possession or sale of small amounts of marijuana. Our present criteria also permit consideration of people with past records of possession of other drugs if they do not appear to be addicts now and if the arrest occurred some time ago. The exclusion of almost all persons with previous drug arrests is clearly too broad; many of these defendants are probably not addicted. But we have not discovered a sufficiently accurate way to distinguish them from those who are.

this may just be a Rep's way to explain a case he has been unsuccessful with). Calling all of these participants "addicts" may be inaccurate; there are substantial variations in how often they use drugs, what drugs they use, and how they take them. But whether we call him a serious drug user or an addict, one of every four participants has a drug problem—from our point of view, at least—that overshadows anything else about him.

Although the Human Services staff visited most of the drug treatment programs in the city during the Reps' training period or shortly after intake began, we had not formulated a policy for dealing with addicts in the project because we did not expect to have to deal with very many of them. At first we tried to help them kick their habits without entering a treatment program. Many were referred to employment after addiction was discovered. We discontinued this practice for most participants because it became obvious that they were not able to hold employment nor was their condition helped by the experience.* But when we decided to try referring them to programs designed to deal directly with drug problems, we discovered mechanical difficulties in gaining admission for them. Only recently, after considerable negotiation with the directors of drug treatment centers, have we been able to assure a fairly prompt admission for our participants—at least for those who want it. The drug addiction programs in the city screen their applicants for motivation to accept treatment, but the addicts coming into the Manhattan Court Employment Project are a random selection, and predictably few want to shake the habit. They reflect a broad problem that haunts both the city and the courts, and it is clear that our project or any other cannot help an addict unless he has already decided he wants help.

Throughout the 23 months, we have devoted disproportionate amounts of time to trying to work with addicts. Fifteen to 20 percent of those we identify have entered treatment programs, but few have completed them. Individuals have given up the use of drugs, partly with our help; some have decreased their use; more have at least been forced to admit that they have a problem. However, by the standards we use to measure our progress, we have been of minimal assistance to the project's addicts. The rate of dismissal of charges against addicts on our recommen-

*Because of the faster referral now of participants to Career Development, some are placed in jobs before they are discovered to be addicts. Their poor rate of job retention almost always relieves us of having to choose whether to protect their job or warn their employer. A known addict is never referred to employment. A suspected addict who insists he is not addicted and insists he wants a job is referred to a position in which he cannot jeopardize the employer.

dation has been 9 percent, while the rate for non-addicted participants is 47 percent (see Appendix III, chart 11).

Given the statistical proof of poor results in helping addicts, the project administrators have encouraged their more rapid termination from the project if our first attempts at help are rebuffed. The Representatives, more pessimistic now than they were at the beginning about an addict's chances for success with us, have accepted this policy but they are still prepared to make a substantial commitment to an addict. As they point out, if they give up, no one else will be there to help.

At one point we attempted to set up a special form of treatment for addicts within the project, with the thought that some agency experienced in the field should be intervening in the criminal process at about the same point we were. In mid-1968 the New York City Addiction Services Agency assigned an ex-addict counselor to our staff. We found she was not able to help us identify addicts in the screening process without a much longer exposure to each candidate, an investment of time we could not afford. For addicts already in the project, she tried to set up counseling groups, but not many were motivated to attend the sessions. The Addiction Services Agency was not then prepared to create a treatment program for addicts within the criminal justice system, and the counselor left the project after a few months. Since then the agency has proposed that we experiment with referring a small number of addicted participants to them without going through the agency's normal screening procedures, which are rigorous and normally exclude all but those highly motivated to seek treatment, and we intend to do so.

SUPERVISION

Since their initial training period in the month before the project started taking in participants, the Reps have been divided into two teams, each headed by a professional supervisor who takes responsibility for their work and for training them. The Reps began with little experience to back them up in this job and, particularly in the beginning, they faced the problems of filling a job that could not be clearly defined. The supervisors have devoted a lot of time to supporting the Reps, listening to their personal problems and helping find solutions, encouraging them in frequent moments of depression or loss of confidence, and congratulating them for achievements in their work. In the early months of the project, more of the supervisors' time was devoted to the Reps themselves than to their work or to the project participants. Crises were commonplace but no less drain-

ing for that reason. They have slowly abated as the Reps' confidence and abilities grew. Now that the project routines are established, the job is better defined, and the Reps are far more confident of their abilities.

Supervisors have a regularly scheduled once-a-week meeting with each Rep to discuss his entire caseload. There are frequent unscheduled meetings over particularly troublesome cases. The supervisors keep track of the Reps' work through their own records of the date of a participant's acceptance, the date of each subsequent court appearance, what Rep he is assigned to, how often he sees his Rep, whether or not he has been rearrested, and whether or not he is an addict. A separate chart indicates the participant's attendance at group counseling sessions. A supervisor may sometimes personally intervene in cases of individual participants who present problems beyond a Rep's ability, but the Reps' reliance on their supervisors for this kind of help has dropped sharply over the 23 months.

The two unit coordinators in Human Services review the files and the Reps' recommendations for all participants returning to court and make sure that the participants and their assigned Reps appear in court on the appropriate day. Each is responsible for the whereabouts of a team of Reps throughout the day; they make sure that Reps respond to screeners' requests for interviewers, that newly accepted participants coming to the office are put in touch with their assigned Rep, and that there is another Rep to cover the caseload of a Rep who is absent.

When the Reps' time out of the office was increased, the unit coordinators were made responsible for taking the calls from each Rep in their team and relaying information from and to other project components. One coordinator took full responsibility for the Reps' role in screening and the other took charge of submission of final reports and court appearances. Consequently the supervisors have considerably more time for the teaching and reviewing functions in which their skills are most needed.

IV

Career Development

JOBS

The first task of the Career Development Unit was to develop a reservoir of job possibilities to which participants could be referred. Before February 1968, when the first participant was accepted for the project, the unit canvassed a number of public and private, large and small employers in the New York metropolitan area. Small firms clearly cannot predict their needs as large ones can; our hope in talking to most of them was just to impress them with the idea of the project and with the chance to participate in a social experiment, so that when they did have an opening they would call us. Larger companies we found were more able to plan for their employment needs and could establish permanent accounts with us. The staff also talked to non-profit vocational placement agencies and arranged with the city's Manpower and Career Development Agency to have the project designated a Neighborhood Manpower Center, which give us access to jobs and training programs developed by MCDA. In addition, when we began referring participants directly to private corporations' training programs subsidized by the federal government, this status permitted us to certify them as "hard-core", a prerequisite for referral to these programs.

Although we had a list of available jobs when the first participants came into the project, we did not intend to rely exclusively on this list. When he is first referred to Career Development, a participant is asked about his ambitions and skills, and if the interview does not give a clear indication of the participant's abilities he is tested to measure his aptitude for certain kinds of work. If an appropriate job does not appear on any of the Career Developers' lists, the Career Developer (CD) will call on new companies to arrange for a more suitable opening.

At first Career Developers referred most participants to jobs in small firms because they thought that men with poor work records would be overawed by the coldness and efficiency of a large corporation; a small employer, they reasoned, could provide a friendlier work atmosphere, be more flexible in his job requirements and more available to talk over problems and possibilities with the Career Developers. Often the unit will still recommend an inexperienced worker to a small company, hoping that he will receive more personal care there, but we now try to place as many participants as we can in large firms because they offer wider benefits, chances for advancement (growth and upgrading are generally built into positions in large corporations) and on-the-job training programs. Consequently we have placed increasing emphasis on developing accounts at these larger firms–particularly the ones with Manpower Administration (MA) contracts. These employers conduct training programs subsidized by the U. S. Department of Labor. They have made a public commitment to hiring the hard-core unemployed, which increases the likelihood of our participants being successful in holding jobs with them. Currently, about a quarter of our employed participants are in MA programs.

The availability of MA programs, which combine training with remedial education while paying a reasonable salary, has permitted us to put participants into training situations that they are willing to accept. From the beginning we believed it was better to place a participant in a training program where he could learn a skill than in a low-level job, but our early experiences with publicly run training programs (as opposed to the privately based MA programs) was that few of our participants would attend them and few who went benefited from them. Of the first 350 participants, only 30 accepted training opportunities in schools or agencies, and only six successfully completed their courses. Representatives have observed that most participants are immature, and that they have almost no patience for working toward a far-off reward. Unless it is here and now, it has no meaning for them. They view training as a deferred payoff; furthermore, it takes place in a school situation and evokes accompanying memories of failure. Private vocational training schools offered higher quality programs than the public ones, but they were not really geared to people with as little confidence as most of our participants had.

EMPLOYERS

Virtually every employer we have approached has accepted in principle his company's commitment to hiring the hard-core unemployed. But in fact we find that few are aware of what the real problems involved will be. As one Career Developer wrote in a moment of frustration: "What firms seem to be looking for are (1) hard-core unemployed who behave like middle-class employed, or (2) hard-core unemployed who behave like middle-class employed after several Pat O'Brien lectures by a supervisor."

Our approach with employers has been to discuss frankly the work background and criminal involvement of the participants we plan to send to them. This approach eliminates many of the employers we talk to, but the willingness of the remainder to work with us after being told what the risks are is an additional assurance that they will be sympathetic to the participants' problems. We stress that both Reps and Career Developers will closely follow the progress of each participant placed with them.

As a standard part of his work, a Career Developer calls an employer to verify an opening and describes the participant he plans to send for an interview. The participant is given a letter of introduction to deliver to the employer. Afterward, the CD telephones both the employer and the participant to find out how the interview went. As long as a participant is employed, the CD calls his employer every two weeks to find out how he is doing. The CD encourages the employer to call him whenever difficulties with the participant arise or if advice is needed. Many employers now have their own counseling and training staffs and our Career Developers find them particularly understanding of our participants' needs. As part of the process of securing agreement to accept our participants, we encourage employers to visit the project and to have us meet with lower-level supervisors to discuss the problems to be anticipated. During the 23 months of operation, we have also participated in the training of Urban Coalition job developers and have consulted with private firms needing advice in setting up MA programs.

We have tried to persuade employers to make standing commitments to us, so that when a participant needs a job we can telephone in for a position rather than wait for a vacancy to occur. Usually an employer goes to a manpower agency to fill a specific need; he tells the agency job developer what he wants, and the agency then supplies the right man. When we call an employer we discuss the needs and hopes of our participant and ask the employer to try to accommodate him. In some

cases, we can get him a job that was not mentioned in the company's list of openings. For example, one participant with a talent for sketching was sent to, and hired by, the art department of a big company, although the "positions available" included only the usual entry-level jobs–duplicating machine operator, mail clerk, and supply clerk. We have tried to avoid becoming an agency that passively accepts job orders from employers and squeezes a participant into any available slot.

On the other hand, once we have a working relationship with a large firm, we take care to make it endure. If several participants we send there fail to appear for interviews or do poorly once hired, on the next few referrals we will send the best risks we have. Sometimes after a run of continuous bad luck, we will not send any applicants for a long time, until the company is once again receptive. We use smaller firms particularly for participants whose attitude or lack of experience indicates they might not be successful on the first job. Using the smaller firms this way we do not jeopardize our relationship with companies that may have many jobs for our participants in the future and that offer programs for upgrading employees.

As of October, 1969, Career Development had contracted with 425 firms, unions, and training programs. Of these regular accounts, 93 are large employers who hire a number of project participants (our "house accounts"); the rest are firms with only specific needs for workers, and we call on them chiefly in special situations that cannot be met by the larger firms.

The unit operates on a system of shared accounts. Each staff member makes independent contacts with businesses, but all employment information is pooled in the project files. (While each Developer maintains a personal file listing firms with rare openings or limited commitment to the project, even this information is shared.) The concept of shared accounts helped to compensate for the unit's initial lack of experience and for the early scarcity of available job opportunities.

REFERRALS

Participants are referred to Career Development much faster than they were at first; now we tie the Career Development interview as closely as possible to our formal intake procedure. (For a discussion of this change, see page 33.) We want to prove to the participant that we are ready to come across with a job–on the first day, if necessary. Naturally, there are problems. When a man has been arrested, booked, jailed,

interviewed, and brought before a judge in less than twenty hours, when he is tired, nervous, and hungry, he is not in a receptive state of mind for employment counseling. Career Development interviews on the day of intake have mainly been efforts to keep our participants interested; generally, we invite them back the next day for a more serious talk. Few participants are sent on job interviews on their first day in the project. Half are sent within the first week. (See Appendix II, chart 5.)

The participant's first job counseling interview with a Career Developer takes place in our offices in the court building, although Career Developers are available at the project clubhouse on Lispenard Street for informal contacts later on. The object of the first interview is to help the participant discover his own job preferences. Our typical participants, with ghetto background, little advanced schooling, few skills, and scant employment experience, have never faced such a wide range of job opportunities, and have never been in a position to exercise a meaningful preference when choosing employment. Our counselors ask participants about their interests, their former jobs, their ambitions; at some point they ask each man to choose a job. When the Developer, the participant, and his Representative are satisfied that the choice is reasonable, a call is put out to employers to try to arrange an interview.

The Career Developer draws on three resources as he looks for jobs: his access to standing house accounts, the small companies we have contacted which have less frequent manpower needs, and his ability to develop new contacts with employers.

If a Developer finds a possible opening, he talks to the participant to prepare him for the coming interview. (We used to take some of our participants shopping for more suitable clothes, but that ended when the state legislature cut the clothes allowance from the Welfare Department's budget on July 1, 1969.) Where testing will be involved in a job interview, we familiarize our participants with copies of the tests in advance.

A participant's first job interview is rarely his last. We average more than two referrals for every placement. (See Appendix II, charts 6 and 7.) Part of the reason for this is our participants' tendency to miss job interviews; part is accounted for by employers turning down job applicants. Out of every 100 referrals, 44 result in a hiring, 34 in no hiring because of an employer's rejection of the applicant after an interview, and 22 in no hiring because the participant failed to keep his appointment for the interview. Most participants who fail to report for a job interview will not come back to the project without prodding. Similarly, when a man does appear for an interview and is not hired—especially if the interviewer does

not clearly explain *why* he wasn't hired–he generally will not return to our offices unless we push to bring him back. If a participant fails to telephone after a scheduled interview, particularly if the employer says he has not hired him or that he did not appear for the interview, the Career Developer immediately alerts the participant's Rep to find him as soon as possible. When he is found, the CD and the Rep talk to the participant about his fears of the job, about improving his performance at interviews, or in the case where, for no apparent reason, the employer did not hire him, reassuring him that it was not his own performance that prevented his being hired. Also, the CD talks to employers he feels made a bad decision in rejecting a participant. (The most frustrating example of this kind of misunderstanding is a participant rejected for a hard-core program because of a bad work background–in essence, because he is hard-core.) Since our switch to field-based counseling by the Reps, we have found it possible to cut the missed appointments rate in half through personal encouragement by the Rep on the day of the interview.

STAYING ON THE JOB

Our participants not only require several referrals, they require several placements as well. This need for more than one placement can be explained by our participants' generally poor work habits, by their sporadic employment experience, and in some cases by their readiness to go on to a better job. Career Developers are prepared to refer and place participants as many times as necessary. Thirty-five percent of the men hired through a project referral are placed two or more times by our job counselors. (See Appendix II, chart 8.)

We have tried to discover why so many participants lose their first jobs. Career Developers believe that the critical factor is the employer's commitment to helping the participant succeed. Finding low-skill jobs with reasonable salaries has not been difficult. The real problem is whether the man on the job will be able to find the strength and confidence to continue working. Our average participant has failed at school, failed at work, and very often failed socially with his friends and family. For this reason, supportive services from the employer are vital.

Suprisingly, starting salaries offer no real clue to whether a man is likely to stay on the job; a study by Career Development showed exactly the same retention rate for jobs paying over $90 a week as for jobs paying less than $90. (More participants were fired from the high-paying positions, but more participants were quitting the low-paying ones.) It is

our feeling that although starting salary may not be a key to job retention, raises might be. The director of the Career Development Unit suggested that employers begin a participant at a lower salary than planned and increase his wages in frequent small increments, each advance based on merit, on the theory that frequent raises would eliminate the intimidating effect of a high starting salary and would constitute a rare winning experience for our participants and help them build self-confidence. One small firm has adopted the suggestion: their employees receive monthly wage increases based on merit. A few other firms have incorporated a simplified version of the idea, awarding a small raise at the end of the first two weeks. We would be especially interested in seeing rapid salary increases built into MA programs.

PARTICIPANTS WHO NEVER REACH CAREER DEVELOPMENT

Thirty-two percent of our participants never have a Career Development interview. About three-quarters of these are "unemployables" (alcoholics, drug addicts, or the physically and mentally disabled, who must overcome considerable personal difficulties before they can seriously discuss opportunities in the job market) or participants who will not cooperate with the project. Slightly over a quarter are participants who were employed at the time of acceptance.

Our criteria permit acceptance of persons employed at the time of arrest, providing they are not earning more than $70 per week. There has been an increase in the number of employed defendants we have been accepting; a recent sample of 100 showed 33 who had jobs when we took them in, all earning less than $70. (The rise coincided with our increased emphasis on verifying the address of defendants as a part of the screening process. This eliminated many transients, most of them unemployed, whom we used to accept.) The already employed participants tend to have more skills than the unemployed defendants we accept and are generally more self-reliant. About 60 percent of them eventually have their charges dismissed on our recommendation, as opposed to an overall rate of 39 percent. The question we faced was whether we were being of service to these men or whether their level of achievement before they entered the project was such that they were dutifully spending their time in the project, needing little help from us and receiving little help.

Our review of these participants' experiences with us indicates that we effectively serve the large majority of them. Fewer than 20 percent

of them remain in the job they held when they entered the project and only 15 percent secure a dismissal of charge without having contact with the Career Development Unit. A look at the history of the 33 defendants in the sample mentioned above will illustrate this point.

Of the 33 men who entered employed:

24 were interviewed by a Career Developer

9 were not interviewed by a Career Developer

Of the 9 who were not interviewed:

3 remained in the same job and had their charges dismissed

2 left their first job, secured new jobs on their own and had their charges dismissed

4 were unfavorably terminated, two for drug use, one for disappearance, and one for a rearrest

Of the 24 who were interviewed by a Career Developer:

11 left their first job and were placed by the CD unit in new jobs

3 remained in the same job

1 left his job and went back to school

1 lost his job following an injury and is not yet ready to return to work

3 left their first job and found new jobs on their own

5 were unfavorably terminated from the project

(3 lost their first job, and failed to follow up on referrals from their Career Developer, one claimed to be working but was not, and one disappeared)

Of these 24,

9 had their charges dismissed

10 are still active in the project

5 were unfavorably terminated

In summary, over 70 percent of the employed-at-intake participants receive counseling by the Career Development Unit and a third of them receive new placements by the unit. Employed-at-intake participants who secure dismissals of charges without any contact with the Career Development Unit account for only 12½ percent of all the dismissals we recommend. (As will be seen in the section called Recommendations to the Court, forty out of every hundred participants have their charges dismissed; five of these are employed-at-intake participants with no CD contact.)

In addition to the 12½ percent of dismissals who are employed at

intake and never see a Career Developer, 5 percent were *not* employed when we accepted them and secured dismissal of charges without any Career Development intervention. These include occasional full-time students, participants who find their own jobs, and addicts who successfully enter a treatment program.

A number of problems continue to concern the Career Development unit:

We are not convinced that Career Development and Human Services should remain separate entities. Administrators of both units are considering the possibilities of a merger.*

We would like to improve the kinds of jobs to which we refer participants in regard not just to salary but also to opportunity for advancement.

A study surveying the first 300 participants showed that 72 percent of our placements were in low-level service and factory jobs with no potential for growth; this percentage is dropping as we rely more on union, civil service, and MA programs that stress upgrading, but it continues to be a problem that concerns us. As for salary, the average employed participant earns $83 a week. Since no one earning over $70 a week is admitted to the project this figure represents some improvement.

The project operates on the assumption that jobs can help fight crime because a person with an economic stake in the community will be deterred from risking it through a criminal act. Our follow-up statistics on recidivism of employed participants will give us some notion of how great that stake must be; in the meantime, the unit continues to seek ways to expand the number of jobs with built-in advancement programs.

We have found that our better jobs are not available to workers who don't speak English. Some Puerto Rican participants have been left to choose from an array of low level, low-paying jobs with not much chance of advancement. For a while we tried teaching these men "survival English" before sending them out on interviews, but this has not proved feasible. English instruction programs represent a school situation to most of our participants, Spanish-speaking men included; fear of failure, low stipends, and deferred rewards make most of our referrals to them fruitless.

The Career Development Unit has begun a campaign of job development among the firms whose products are most widely bought in the Puerto Rican community. We are now approaching these firms, explaining

*This took place in January 1970 and will be discussed in a later report.

our services and stressing the special difficulties encountered by non-English speaking Puerto Ricans in finding jobs. We have also tried to reach out into the Spanish-speaking community through appearances by a Career Developer on Spanish-language television programs, radio discussions, and an article in *El Diario*.

V

Social Services

An important decision made during the planning of the project was not to pay a stipend to participants either to secure their interest in the project or to maintain them until they were employed. While such a stipend might have been feasible for the relatively small number of participants we would work with during the experimental phase, it was clear that it would not be possible on the large scale we envisioned the project eventually reaching. Furthermore, even though our budget originally provided for a small emergency fund for each participant, we decided not to use it because the sum allocated was too small to be significant.

However, we knew that many participants would be eligible for financial aid and other assistance from the New York City Department of Social Services (formerly the Department of Welfare), and after negotiations with the Commissioner, a unit supervisor and two non-professional case aides were assigned full-time to the project. We chose the supervisor from five candidates named by the department. For Social Services, this new involvement represented a chance to tie its work in with a program whose employment services were designed eventually to make the welfare recipient self-sustaining. Furthermore, it linked the department's work with an attempt to reduce the crime rate.

The arrangement fulfilled our desire to involve an existing agency in our work with defendants, rather than duplicate its services. It was the department's first involvement in the criminal courts. Since many of those arrested are either eligible for benefits or already receiving them, and since the fact of arrest results in a dislocation of their economic and family situations, it seemed a natural place for the department to have an office.

Out of the first 100 participants we accepted, about 60 percent were helped by the Social Services Unit. Most received help on the day they were referred to the unit, and there was a minimum of delay or additional referrals to other offices of the department. As we improved our ability to get jobs for participants quickly, fewer were referred to the unit. At present about 20 percent of our participants receive assistance. Participants who have the need (no funds) and are eligible (for example, with no one legally responsible and able to support them) receive assistance on the day they enter the project. If their cases are not closed shortly afterwards because of employment, they then receive semi-monthly grants. Medical and psychiatric referrals are available. Grants for clothing, particularly useful to prepare a participant for a job interview, were available until changes in the state regulations on July 1, 1969, eliminated them. Many of our early participants needed housing and we found that the Social Services Unit was of relatively little help in placing them, since the maximum rates permitted placement only in low-grade hotels. The unit surveyed existing housing sources and was unable to find better places within the permitted budget. Our inability to supply decent housing influenced our decision to limit the acceptance of defendants who had no place to stay at the time of arrest.

Nine percent of the participants who receive help from the Social Services Unit at the project continue to receive benefits through a neighborhood welfare center after leaving the project; the other 91 percent do not appear on welfare rolls afterward. Forty percent have their cases closed when they find a job and the rest lose contact with the Social Services Unit, usually because they have lost contact with the project itself.

Our statistics indicate no difference in the experiences in the project of the participants who receive Social Services assistance and those who do not. The same proportion have their charges dismissed; there is not a disporportionate number of addicts in either group, nor is there a significant difference in employment placement. The Social Services recipients include a small number of people with clear psychiatric or physical impairments that preclude employment, but these are the minority. The key determinant in receiving benefits seems to be the participant's immediate financial need when he enters the project.

The first Social Services supervisor remained with us for 18 months. It became apparent that while he was providing the conventional benefits to individual clients fairly well, he had little aptitude for innovation, data collection, or analysis. His failure to involve himself heavily in the

problems of his clients alienated many of the Representatives and became a factor in their not referring participants who needed help. As a result, we arranged his replacement. We interviewed seven candidates before choosing one and found the department extremely cooperative in effecting the change.

The new supervisor has stressed his willingness to provide other services besides financial benefits and has served extremely well as an advocate for participants both with the Department of Social Services and other agencies. The Reps rely on him to a far greater extent than they did on the previous supervisor, and his social work skills have been put to good use. He has improved the mechanics of serving participants and has instituted a far more orderly record-keeping system. He is currently drafting a manual of procedures for service to clients in the criminal court and is seeking additional non-professional aides for his unit so that he has more free time for planning.

We have not yet investigated the Social Services needs of criminal court defendants who do not enter the project and the supervisor wishes to initiate such a study during the second phase of the project.

VI

Recommendations to the Court

Each participant's court case is adjourned for three months when he enters the project. At the end of that period we send the District Attorney's office a report summarizing our experience with the participant and recommending one of three dispositions in his case: dismissal of charges, termination from the project and continued prosecution, or an adjournment for further participation. Further adjournments will eventually lead to a recommendation for dismissal of charge or continued prosecution.*

RECOMMENDATION FOR DISMISSAL OF CHARGE

A recommendation for dismissal of charge is based on the Rep's and supervisor's observation of the participant during the time that he has been in the project. Current employment, attendance at counseling sessions, meetings with project staff, and a record of no further involvement with the courts during participation are not in themselves the standards for dismissal, even though these factors all carry weight. The Rep is chiefly looking for change in the participant's attitudes and life style, or continuation of a style that was essentially stable even at the time of the arrest that brought the participant to the project.

From his meetings with the participant in group sessions, at home, and in his neighborhood, the Rep is able to judge how the participant

*A fourth recommendation – to discharge the case from the project – has been made for 21 participants. These include defendants who died while in the project or who were discovered shortly after acceptance to be ineligible.

makes decisions and how he responds to situations that threaten him, including employment. The Rep is less concerned with the participant's long-range goals–few twenty-year-olds have them–than with how the participant is handling the challenges he currently faces and how he plans his activities for the coming months. The average of four months spent in the project by a participant whose charges are dismissed is not a period of probation during which "good behavior" secures the dismissal; if this were the case, much more time would be required. Staff and participants use the four months for analysis, planning, and the first steps towards change. It is the participant's response to this challenge that determines whether or not we recommend that charges against him be dismissed.

The expectations of the court and the demands on the Reps' time sometimes distort the standards set out above. There is no question that participants who keep out of trouble and hold down a job receive less attention than those who face more immediate problems. However, the gradual increase in the Reps' competence has led to increasing sophistication in their judgment of participants' progress. They know that "jobs plus cooperation" will yield a dismissal from the prosecutor. They are urged to go beyond this formula and slowly they are doing so.

The recommendations for dismissal of charge are made by the Reps in consultation with their supervisors and approved almost without exception by the associate director for administration. A Rep summarizes a participant's experience in the project and notes his recommendation on a form that serves as an outline for an administrative assistant who drafts the reports. Completed reports, with recommendations, go to a designated Assistant District Attorney in the Criminal Court Bureau a few days before the participant's case comes up in court. He reviews them and occasionally requests additional information from the Human Services Unit. In over 97 percent of the cases, he then signs a form accepting our recommendation; that form accompanies the participant's court papers and serves to notify the Assistant District Attorney in court of the appropriate disposition. A copy of his acceptance form is returned to the project so that we know in advance what to expect on the case or what questions the A.D.A. has. As of October 3, 1969, 725 of the first 850 participants had completed their time in the project. Of these, 283–or 39% of the total–had their charges dismissed on our recommendation. (See Appendix III, chart 11.) The dismissal rate for participants initially accused of a felony (a crime punishable by more than a year in prison) was 43 percent. The rate for those initially accused of a misdemeanor (punishable by a maximum of a

year) was 40 percent. The rate for those accused of violations (punishable by a maximum of 15 days) was 21 percent. (See Appendix III, chart 12.) We feel that the low rate of dismissals for those accused of violations reflects the reluctance of these defendants to make a three-month commitment to us when the alternative sentence was minimal.

There has been an increase in the proportion of defendants receiving dismissal of charge on our recommendation. For example, 29 percent of participants number 101 through 200 had charges dismissed; 41 percent of participants number 501 through 600 received dismissal. However, the time spent in the project by participants whose charges are dismissed remains the same. Forty percent of the dismissed participants among participants number 101 through 200 remained in the project more than 90 days; so did 41 percent of the dismissed participants number 501 through 600.

TERMINATION FROM THE PROJECT

About 60 percent of the project's participants are not recommended for dismissal of charges. This is a carefully made decision; the average terminated participant has been with the project for four months. The reasons for termination vary, but in a high proportion of cases it is because the participant was simply not interested in the project or able to meet its demands. Our increased stress on verification of addresses and having Reps working in the participants' own neighborhoods has helped us reach out to participants who drop out of our sight, but we have no way to compel an unwilling participant's involvement with us. Some defendants use the project as a means to get out of jail, and we quickly lose touch with them. Others–including nearly all the addicts who enter the project–are unwilling to confront their problems and eventually disappear or, at their scheduled court appearance 90 days after coming into the project, are simply returned to the normal course of prosecution. Serious drug users account for 35 percent of our terminations. (See Appendix III, chart 11.) The District Attorney has agreed not to use termination from the project to the defendant's detriment in the later prosecution of his case or setting of sentence if he is convicted.

EXTENSIONS

Thirty-six percent of all participants, whether eventually terminated or having their charges dismissed, remain in the project beyond the initial

three-month adjournment. The reasons run the gamut from giving an uninterested participant a last chance to holding back until a sought-after job can be secured, or schooling or medical treatment can be arranged, or until there has been time to see how a participant adjusts to recently acquired employment. The rate for dismissal of charges is 43 percent for those who remain in the project beyond their first three months, 35 percent for those who do not.

REARRESTS

Thirteen percent of all project participants have been rearrested while active in the project, a period running anywhere from one day to eleven months. Serious drug users account for 42 percent of the rearrests. We learn of their rearrests from them or a family member, through discovery by our screeners in the Manhattan arraignment court part, or by our investigation after we lose contact with them. About 70 percent of the rearrested participants are released pending disposition of their second case and can continue in the project subsequently, but our statistics show we have much less success with rearrested participants than with the others. The rate of dismissal of charges (both original and rearrest) for rearrested project participants is 16 percent as opposed to 39 percent overall (See Appendix III, chart 13).

In cases where there was a close relationship between project staff and the rearrested participant, we have actively intervened in the second case, requesting the District Attorney and the judge to release the defendant and make him eligible for dismissal of both charges if improvement can be demonstrated. In cases where we do not intervene, but the defendant is freed on parole or bail after the second arrest, we continue to work with him and notify the District Attorney of the rearrest when we submit a recommendation on the original charge.

The project staff regards a rearrest as a strong indication that the defendant lacks self-control and good judgment. However, we are aware that other participants are engaged in equally negative conduct–whether illegal or not–and also that not all arrests are for just cause. Therefore, we view rearrests as one of many indications that a defendant continues to have problems.

VII

Administration and Staff

As of October 3, 1969 the Manhattan Court Employment Project has a staff of 38 and operates on an approximate annual budget of $317,000 under a three-year contract from the U.S. Department of Labor. The staff is divided as follows: Six work in central administration, eleven in the screening unit, thirteen in Human Services, six in Career Development, and two in Social Services. Eight of the staff are not paid out of our budget: the two in Social Services are on loan from the city; four students from New York University work with the project's screening unit part-time for academic credit, and two screeners are paid by VISTA.

CENTRAL ADMINISTRATION

The project is administered by the director, who did most of the preliminary design of the project and hired the first staff, and an associate director for administration. In addition, the central staff has an administrative assistant, two secretaries, one of whom is also the office manager, and a switchboard operator who is also a receptionist.

The associate directors for Human Services and Career Development report regularly to the director on the work of their units; the associate director for administration keeps him informed about screening and data-collection, as well as overall problems and relations with the court. The director and three associates meet regularly to consider changes of policy, operations, or staff, or to discuss questions such as speeding the referral of participants to Career Development, problems with addicts, salary reviews, or planning for the eventual institutionalization of the project.

The director and associate director for administration have taken major responsibility for the project's relationships with all agencies in the court, particularly the crucial relationship with the D.A.'s office. The

director deals with the U.S. Department of Labor, the Office of the Mayor, the Manhattan Court Employment Project Committee of the Mayor's Criminal Justice Coordinating Council (this committee was created specifically as an advisory body for the project), and the central office of the Vera Institute of Justice. Planning for the expansion and institutionalization of the project is coordinated by the director, who will also conduct most of the eventual negotiations on the subject with the agencies that might be involved in running the operation permanently.

SCREENERS

The screening unit now consists of eleven persons, all undergraduates or recent college graduates, who devote part of their time to collecting data on the project as a whole.

Screening itself, apart from the time spent in recruiting, training, reporting and supervision, takes about 110 man-hours each week. This is considerable work just to identify between 5 and 20 eligible defendants, but it must be remembered that the screening system is superimposed on a court structure that is not geared to the project's screening needs.

Originally we assumed that screening would develop into an essentially clerical job of sifting papers with certain criteria in mind. But unexpected aspects of the job quickly developed: screening interviews with defendants and arresting officers were made necessary by our discovery that court papers often provide an incomplete record, and by our belief that we should learn as much as possible about each defendant rather than merely determine whether he met minimum criteria. Prosecutors balked at acceptance of apparently eligible defendants fairly often; when that happened, three or four hours would have to be devoted to an individual case, discussing it with the assistant D.A., appealing to our liaison in his office, and collecting additional information before securing approval or abandoning the application. Then it became clear that screeners would have to appear in the courtroom itself when an application to the judge was made because the defense attorney did not always know enough about either the defendant or the project to make an effective presentation to the court.

So the screener must be comfortable and effective interviewing defendants, police, and witnesses and be able to present persuasive evidence to judges and prosecutors under severe time pressure, all while maintaining a series of forms and statistics. We have found carefully selected college students to be ideal for this role: They are intelligent,

dedicated, and willing to work for relatively low pay, and there is an abundant supply of them. Half of our student screeners come from Antioch College in Ohio and, under an arrangement we have developed with the college, remain with us for about six months, receiving academic as well as work credit for their time on the project. (Antioch runs on a system of alternating terms of work and study over five years.) As part of the arrangement, the project's associate director for administration has been named an assistant professor of law and social sciences at Antioch. Along with other staff members, he attempts to expose all the students to learning opportunities within the project, the court, and the city. These include lectures by persons prominent in the court and city government and a seminar in criminal law conducted by the project director. The associate director helps plan and evaluate much of the research the students do, some of it not directly connected with the project's operations. For example, a study by one student of the rate of conviction and incarceration of a sample of court cases in which the project did not intervene evoked great interest on the part of the District Attorney's office and a group of criminologists to whom it was presented. Another did a study of the impact of private lawyers in the criminal court. The associate director submits evaluations to Antioch of those students seeking academic credit for their work and visits the campus three times a year to recruit new screeners.

The discovery of how valuable students can be on the staff has been an unexpectedly rewarding bonus in the project's first 23 months of work. They have brought to the project an honesty and enthusiasm which is highly stimulating. Our experience leads us to believe that students would be assets on the staffs of all social agencies.

Two of the eleven screeners have been named coordinators of the unit and take responsibility for scheduling, training, court relations, supervision, and representation of the unit in discussions with project administrators. They report to the associate director for administration, who helps them select and train new screeners. The training system enables a new screener to start work almost immediately. The technical parts of the job are easy enough to impart, but the problems a new screener may have with interviewing defendants and talking with prosecutors and judges are considerably greater. Successive groups of screeners have developed instruction manuals; in addition, training of new screeners now includes mock interviews of defendants and presentations in court, with an experienced screener taking the part of defendant, judge, or prosecutor. These role-playing sessions have been helpful, too, to older screeners, help-

ing them identify their fears or antagonisms about court personnel and their anxiety over having to turn down borderline cases and, in the end, select so few participants for the project.

Screening is a draining job, and rotation of assignments and occasional breaks in the routine are important in maintaining morale. Because of the relatively more rapid turnover in their staff, because of the fact that they work in the court rather than with the rest of the project staff, and because—perhaps the greatest strain of all—they do not have a continuing responsibility for participants, screeners are cut off from first-hand knowledge of the mood and progress of the project. We have had to create opportunities for them to mix with the rest of the staff, but the problem had not really been solved, as it is frequently subordinated to more pressing problems in the screening unit.

HUMAN SERVICES

The project's eight counselors—the Reps—now hold a job that is far more clearly defined than it was when the project began work in February 1968. In the planning stage, we knew that we would have to build some counseling function into the project, but we had few specific ideas as to what it might be. Professional counselors we talked to emphasized that personal warmth and the ability to establish rapport with people were more important equipment for a counselor than a degree in psychology or guidance. If this was true, then professionals were not necessarily any better able to counsel our participants than nonprofessionals would be. Furthermore, professional counselors were in short supply and commanded high salaries.

One group of nonprofessionals in particular seemed an attractive possibility: persons who had grown up in poverty or in the ghetto and who knew the neighborhoods of the city; people, in other words, who knew first-hand the world most of our participants would be coming from. To be effective, of course, they would also have to be familiar with the operations of the criminal justice system—police, courts, etc. Clearly, too, they would have to be taught some of the professional's skills to help them diagnose participants' needs and problems, refer them when appropriate to other sources of help, and identify and accept strong feelings in themselves as well as in the participants.

With no experience by which to judge, it was impossible to know what kind of caseload one nonprofessional counselor could handle. Our estimate was that we would need something between six and ten counselors

and that in order to train and supervise them we ought to have people on the staff who had training and experience in counseling and who would welcome the challenge of working with nonprofessionals. A man suited to these needs was hired as director of the Human Services Unit, with the project title of associate director, and he in turn hired two counseling supervisors. Like himself, they had civil service backgrounds, master's degrees in psychology, and experience in counseling people similar to the participants we would be taking in. For the nonprofessionals with the background we wanted, the unit sent notices to every agency in the city that trained, helped, or found jobs for ghetto residents, asking specifically for applicants with personal warmth, no more than a high school diploma (college graduates were not considered), and knowledge of New York City. Within three days we had 91 applicants. Almost all were black and almost all had prison records. We were reluctant to have the new position tagged as either a black job or an ex-offender job, both for the morale of the staff and the opinion of outsiders, but after the staff had discussed the point among themselves and with the applicants, it was agreed that it would not make sense to leave the positions deliberately unfilled in order to locate qualified whites and non-offenders if other qualified people were at hand for the jobs.*

Each of the first 91 applicants was interviewed individually by the director of the Human Services Unit; 55 were asked back for interviews in groups of 10 to 15. Fifteen of these came back for a second group interview, and we hired nine. All had prison records ranging from two months to eight years on charges including armed robbery, burglary, and car theft. With their permission, we conducted comprehensive searches of their records, and one of the nine was eliminated when we found that he had not been candid about his past history. The remainder had been frank, and their references—former employers, parole officers, narcotics program administrators, etc.—offered no information to discourage us from hiring them. All began work shortly after New Year's Day of 1968.

That January, the unit director and supervisors ran a training program to teach the trainees specific skills and give them additional insight into themselves and any problems they might be bringing to the job. Project staff members, Vera Institute administrators, court and police personnel,

*In retrospect, this decision has held up well. Whites who have the requisite background and the dedication to counseling work are extremely difficult to find, at least in New York City. We have interviewed more than a hundred applicants since those first 91, and almost all have been ex-offenders and black or Puerto Rican.

social workers, and psychologists met with the trainees to discuss their own jobs and their respective organizations and the trainees toured the courts, practiced interviewing at a Board of Education counseling center, and visited many social agencies in the city. The trainees met frequently as a group with their supervisors to talk about their feelings about the job, their strengths and inadequacies, their future, their backgrounds, and the social implications of what they were attempting. Most had been adversely affected by their prison experiences, few felt capable of performing the job, and most were suspicious of the courts, their superiors, and the project's goals. Perhaps their greatest fear was of disillusionment if they made a substantial commitment to the job: either they would fail or the job would fail them.

The supervisors encouraged them to look on themselves as a group and tried to help the trainees through immediate financial and family crises with support and advice. But their ability to make full use of the four weeks' training period was limited by the fact that no one, including the supervisors, knew exactly what the job the trainees were being trained for was. Many of the first plans for group orientation of defendants and pre-vocational counseling later proved impractical. But at least the trainees came out of those first four weeks with a sense of what their roles would be in working with the defendants and a better understanding, from personal experience in their own group sessions, of the sort of rapport they hoped to establish with participants. They also came out of the four weeks with a job title—something we hadn't been able to settle on before they were hired. We wanted a title that did not anchor them to any preconceived position and carried no menial connotations, and the one we came up with was Representatives. We were committed to having them represent the project to its participants, to other agencies, and to the court.

Five of the original eight Reps are no longer working at the project. One disappeared in March 1968, reappeared a few weeks later, and then disappeared again, which surprised everyone because he had seemed to be among the most self-confident and effective of the Reps. One was discharged after seven months. He had been reasonably effective with participants, but his own mercurial shifts in temperament put too much of a strain on his supervisors and fellow Reps. He is currently in a training program for non-lawyer legal advisers. One of the original eight resigned after ten months; he had worked diligently but had little success with participants, lacking some element of "realness." He is now in an adminis-

trative position with an anti-poverty agency. One suffered a recurrence of an internal ailment related to his earlier drug addiction, and it left him too weak to resume his position after partial recovery. One resigned after a year and a half to enroll in college full time.

The three who remain are among the most effective Reps we have had. Two now hold supervisory positions over teams of four Reps, working closely with the professional supervisor. Both have grown greatly in counseling skills, natural leadership, and administrative abilities. The third, who originally felt profound skepticism about the project and his own abilities, has developed into a dependable counselor. He has an unorthodox approach to his participants which involves great exposure of himself, and he uses it successfully. Nine more Reps—chosen from more than 100 candidates interviewed—have been hired since the original group and five remain on staff. Two of the rest left the project after a few weeks on the job; two others, who performed well for the first nine months, were discharged because personal problems interfered with their work. One is now in a training program at the New York Industrial Educational Center and the other is in an addiction treatment center. As with most people discharged from the project, they went through a period of probation and intensive counseling before a final decision was made.

Of the eight present Reps, three are in their late twenties, four in their thirties, and one is 41. All have prison records—an average of 7.6 years—following conviction on charges including drugs, burglary, robbery, and manslaughter. All of them live in New York City. The five hired since the project began perform somewhat differently from most of the first group of eight. They are less demonstrative about their commitment to the participants, yet it is clear that the same commitment is there. They are absent less often; they record information more skillfully; they relate to their supervisors more comfortably. Personal problems are less likely to interfere with their work. We now have a better sense of the balance among warmth, commitment, and responsibility needed for the Rep's job, and we look for it in new candidates. Applicants now meet with the Reps as a group as well as with the supervisors, so that the hiring decision reflects a wider range of opinion and observation of the candidate in more varied circumstances.

But equally important, the new Reps step into a job that has already been defined and performed. They have co-workers to help train them and impart confidence in the supervisors and the project, which the original group only arrived at after a great deal of feeling-out and suspicion. The different atmosphere unquestionably speeds new Reps'

adjustment to their work. All Reps after the first group have been trained on the job and were working with a small group of participants within a week and a full caseload within a month.

Ever since the start, the three supervisors have been working closely with the Reps to improve their abilities as leaders of counseling groups. Up to November 1968, we experimented with having regular counseling groups and also separate group sessions aimed specifically at vocational problems, with complicated schedules for meeting times and group composition. Then the supervisors assessed the first ten months of group work and, finding it unsatisfactory, designed a tightly controlled training program. The supervisors wrote outlines for six topic-oriented group sessions, discussed them in detail with each Rep before he led a group, sat in on the group, and then discussed the group after it ended. The Reps were highly relieved to have the added structure and supervision, and began performing much better than before. They stressed group more among their participants, and attendance rose considerably. After the first six group sessions for each Rep and his group, the supervisors stopped attending the groups but continued the pre-group talk with four Reps at a time and reviewed each group session with them afterwards by means of tape recordings of the sessions. The quality of the group sessions certainly rose far above what it had been in the first 10 months.

Recently, as we recognized the considerable differences in the rate at which the individual Representatives developed, preparatory sessions were conducted once again with individual Reps rather than with a supervisor's team of four. However, the Reps still meet as a unit to discuss problem areas such as homosexuality or alcoholism, stressing theory rather than their individual performance as leaders. This arrangement has continued since June 1969, and the Human Services supervisors are currently satisifed with the Reps' progress. It is the opinion of their supervisors that all the Reps can now lead group sessions as capably as many professional counselors specializing in the area. Those Reps who had exposure to group counseling prior to joining the project are able to lead groups with less introductory training and less intensive supervision. But to say that the Reps can perform as well as some professionals is hardly to say they have achieved their full potential. The supervisors expected more rapid development and have had to readjust their training curriculum as Reps had difficulty perceiving their own feelings in many areas. For example, they are self-aware in the area of employment, but have much greater difficulty recognizing and discussing feelings about homosexuality and family conflict. As a result, they tend to slide over

clues expressed by participants in these areas.

There are many strains in the jobs of the Representatives; they have had experience with the courts before—from the defendant's perspective. Now they work in the Criminal Court building and routinely appear before judges to request dismissals or adjournments for their participants. Perhaps the most trying aspect of the adjustment to their job is the change in the Representatives' image of themselves; many of them have been fearful of growing imperceptibly into solid middle-class citizens. Their jobs cut them off from old acquaintances and create conflicts in their personal lives. The project is based upon the unique ability of these non-professionals to understand the difficulties of participants with similar backgrounds and many similar attitudes. Too "bourgeois" a transformation of the Representatives might be detrimental to the project, and it would be ironic if work with the MCEP could gradually make the Representatives unfit for work with the MCEP.

CAREER DEVELOPERS

The director of the MCEP's Career Development Unit, who has the title of associate director, brought to the project in the planning stages a thorough background in job training, placement, and counseling from his experience as a director of Project Develop, a job training and placement program for persons just released from New York State prisons. In putting together a staff, he decided that the Career Developers should combine in one position the unit's two principal tasks, interviewing participants in regard to jobs or training and promoting job accounts. In this way, the person who helped the participant define his job skills would also be the person who found that participant his job opening. The reason for combining these two functions was concern that workers confined to interviewing would lose contact with the reality of the employment world, while individuals who did nothing but job promoting would be insensitive to the participants' problems. This plan influenced our requirements for the Career Developer position. We were not necessarily interested in individuals with psychology credentials (although one of the original Developers had a master's degree in psychology); we were definitely not interested in gregarious, hard-sell job promoters.

In December 1967, we advised twenty-four agencies of our staff needs in Career Development. Most of the people who came for interviews had been job developers with other programs, but we found that the experienced, professional developers were generally talkers rather than

listeners. We needed people who would invest time and energy developing strong relationships with our participants, helping to give direction to their often vague thinking about opportunities in the job market. We eventually decided that we would have to sacrifice experience in order to find friendly Developers committed to the philosophy of the project, and we felt we could afford this luxury because the unit director's experience was great enough to fill in the gaps. From 45 applicants, we hired four. Since their experience was not extensive (one had been a job developer, another had worked for a minority group college placement agency, a third came from Project Develop, and the fourth had been employed by a Newark anti-poverty agency) their training program was designed to familiarize them with the problems of job development. Each trainee was asked to review the files on preliminary contacts the director of the unit had already made with employers, agencies, and unions during the planning stages of the project. Then they began to make contacts on their own. Each Developer wrote a bulletin on every new firm that had agreed to hire over five participants a year. As a final exercise in getting them ready for the job, the unit director had the new Career Developers compile a training manual for themselves. The manual has survived and proved useful. Four new Career Developers have been trained on the job since the original four were hired. (Two of the original four took jobs in the personnel departments of corporations, one died, one replacement moved out of the city.) The new Developers studied the training manual and the bulletins on cooperating firms. Within two weeks they had acquired full caseloads and were also developing new jobs.

VIII

Data and Analysis

A demonstration project has a combination of goals: to implement and test an idea, to measure and analyze performance, and to make available and communicate measured results and other data and information to interested persons. These goals are not totally congruent; sometimes a choice of priorities must be made.

In designing the MCEP, we put the initial emphasis on establishing an effective operation and on creating data-collection and reporting systems for internal monitoring and external evaluation. We stressed the importance of immediately recording as much data as could be collected about participants and operations, even if we had no immediate use for it. We knew that much data would otherwise be irretrievable, but once it was recorded we would have great flexibility in selecting a time to analyze it, perhaps even after the end of the demonstration period. We decided what data we needed and designed and tested forms before we accepted the first participant. Selecting categories of data gave us insights into the problems of evaluating a project such as the MCEP—one whose services are complex and subject to rough measurement at best, and which depends on a staff who conceive of themselves as action people, not researchers.

Our measurement problems were intensified by the fact that we ruled out internal control groups. The project was too small and the relationship between a committed staff member and participant would be too close to permit us to withhold services from selected participants for research purposes. We felt then, as we still do, that a small staff totally committed to doing whatever can be done for a participant would be severely impaired if asked to extend or withhold services as dictated by measurement considerations.

Another great problem in our collection of data has been the difficulty of obtaining complete information in the court. An example of this problem has been the limited ability of the police-court record system in New York to provide up-to-date arrest and conviction records for persons arrested on most misdemeanors and violations–approximately 50 percent of all arrests.

Problems aside, we set out to collect as much data as possible to describe 1) the participant; 2) the services we provided the participant; 3) staff activities; and 4) operations of other agencies the project was involved with. In selecting data to be collected, we were guided by a review of the published reports of manpower agencies and projects, advice from consultants and, ultimately, the staff's collective best judgment. We decided to record demographic and personal information about the staff themselves, about what their jobs were and how their functions meshed. Participants' activities are described in detail during their period of active involvement with the project and to a lesser degree after their termination or dismissal. In all, over 100 variables are recorded on each participant.

We maintain a running survey of the basis of ineligibility of all defendants not accepted by the project, which allows us to evaluate the effect of changed criteria on intake. At intervals following termination or dismissal, each former participant's criminal record and his continuing contacts–if any–with the Department of Social Services and the MCEP are studied.

The data we collect have served the project well. The initial design of the MCEP as well as its acceptance by court administrators was based on studies of the population passing through the criminal justice system and the mechanics of the system itself. The exchange of data on each participant among screeners, Representatives, and Career Developers facilitates coordination of their work. Charts and reports maintained by supervisors and clerical staff allow the directors to gauge the efficiency of operations, monitor problem areas, and plan policy changes. In the preceding chapters we have noted our focus on addicts in the population we work with, the increased speed of referral of participants to Career Development, neighborhood assignments of Representatives, and stress on the group counseling program; all are examples of administrative changes that grew out of studies of our data. An index of all studies completed is kept up to date, providing outlines for subsequent investigation. Data has helped the project administrators to plan staff needs, set salaries and budgets, compare the project's effect to that of other agencies, and report on our work to court administrators and other persons interested in what we are doing.

Our collected data figure in our preparation of training materials for new staff, follow-up on the experience of former participants and recommendations for expansion and institutionalization of the project. Occasionally our data cannot account for certain phenomena or do not permit us to make valid predictions, and when that happens we have had to formulate new questions to ask. The screening requirement that a participant have a verified address stemmed from the sizable proportion of "ghosts" inadvertently admitted under earlier procedures; the Career Development stress on employer commitment followed our early realization that job title or salary told us little about a participant's chance for success on the job. The mechanics of working with data are also subject to change; the project's growth and the increased complexity of analyses we want to perform have clearly indicated the need for eventual automated retrieval of the data we collect.

The data we use have been collected and analyzed entirely by the project staff; we have hired no data or research specialists as staff or consultants as of this writing. Our decision not to have a trained research person on staff from the beginning was carefully thought out during the planning and early operating stages. The project was designed and has been administered by persons with a demonstrated capacity to deal with a wide range of manpower problems. As the need for their planning talents diminished, they turned their attention to the tasks of measurement and analysis. We felt no immediate sense of urgency about hiring someone with skills in data identification, collection, storage, retrieval, and analysis, because for the time being we were able to deal with our short-range data problems and we were unsure what our future needs would be.

Now, at the end of the experimental phase, we are actively seeking a staff member to work on refining our own data. From that we hope to evolve a coherent data system that might be of use to administrators of projects similar to the MCEP–a step-by-step description of kinds of data to collect, along with a description of how to use and analyze them for internal administration and external evaluation. The data procedures of the MCEP have served us adequately during our experimental phase, but they need considerable definition before being exported. The experience of the MCEP should now be reduced to a carefully spelled out form which could be easily adopted by administrators of similar projects. The second data problem we hope a trained staff member could solve would be the clarification of bases for comparing MCEP results with those of other agencies (e.g. the comparison of MCEP costs with the cost of alternative treatment both within and outside the criminal justice system); and con-

version of MCEP data from hand storage and retrieval to electronic data-processing. These will be primary concerns now as the project enters its second phase.

Appendix I: Background Data on 850 Participants by Groups of 50

CHART 1: ETHNIC BACKGROUND

Group	Black		Puerto Rican		White		Other Spanish-speaking		Other	
1	29	58%	13	26%	4	8%	4	8%	0	0
2	24	48%	18	36%	7	14%	1	2%	0	0
3	24	48%	15	30%	9	18%	1	2%	1	2%
4	28	56%	19	38%	2	4%	1	2%	0	0
5	26	52%	18	36%	5	10%	1	2%	0	0
6	25	50%	22	44%	3	6%	0	0	0	0
7	16	32%	23	46%	8	16%	2	4%	1	2%
8	28	56%	20	40%	2	4%	0	0	0	0
9	29	58%	13	26%	8	16%	0	0	0	0
10	25	50%	14	28%	11	22%	0	0	0	0
11	23	46%	14	28%	12	24%	0	0	1	2%
12	34	68%	10	20%	4	8%	1	2%	1	2%
13	27	54%	18	26%	4	8%	0	0	1	2%
14	28	56%	18	36%	2	4%	0	0	2	4%
15	24	48%	15	30%	8	16%	2	4%	1	2%
16	24	48%	19	38%	5	10%	2	4%	0	0
17	19	38%	19	38%	9	18%	3	6%	0	0
TOTALS	433	50.9%	288	33.9%	103	12.1%	18	2.1%	8	1%

Appendix I

CHART 2: MARITAL STATUS

Group	Widower		Single		Married		Separated	
1			46	92%	4	8%		
2			44	88%	5	10%	1	2%
3			44	88%	5	10%	1	2%
4			43	86%	7	14%		
5			45	90%	4	8%	1	2%
6			37	74%	13	26%		
7			39	78%	11	22%		
8			35	70%	12	24%	3	6%
9	1	2%	31	62%	14	28%	4	8%
10			40	80%	9	18%	1	2%
11			35	70%	12	24%	3	6%
12			34	68%	14	28%	2	4%
13			40	80%	9	18%	1	2%
14			39	78%	9	18%	2	4%
15	1	2%	33	66%	16	32%	0	0
16			34	68%	16	32%	0	0
17			37	74%	13	26%	0	0
TOTALS	2	.2%	656	77.2%	173	20.4%	19	2.2%

Appendix I

CHART 3: EDUCATIONAL BACKGROUND AND AGE

Group	Average Grade Level Attained	Average Age
1	9.3	18.2
2	10.1	21.4
3	8.9	20.0
4	10.0	20.9
5	10.1	18.9
6	10.1	20.8
7	10.2	22.4
8	10.7	22.3
9	10.4	22.5
10	10.5	20.7
11	10.5	20.4
12	10.5	21.5
13	10.5	21.0
14	10.0	20.5
15	10.2	22.7
16	9.8	22.4
17	8.7	20.6
AVERAGE FOR TOTAL:	10.0	21.0

Appendix II: Career Development Statistics on 850 Participants by Groups of 50

CHART 4: PARTICIPANTS SERVED BY THE CAREER DEVELOPMENT UNIT

Group	Number Interviewed By a Project Career Developer	Referred to Employment Or Training At Least Once	Placed In Employment Or Training At Least Once
1	38	37	32
2	30	29	24
3	30	29	21
4	33	28	20
5	34	27	16
6	33	29	15
7	33	28	17
8	41	33	20
9	31	20	14
10	31	21	10
11	36	26	14
12	37	24	13
13	41	29	22
14	43	33	21
15	34	27	21
16	21	14	8
17	34	29	21
TOTALS	580	463	309

Appendix II

CHART 5: TIME BETWEEN ENTRY INTO PROJECT AND SERVICE BY THE CAREER DEVELOPMENT UNIT

Group	Median Days: Intake To First Career Development Interview	Median Days: Intake To First Referral To Employment Or Training	Median Days: Intake To First Placement
1	10	14	31
2	6	17	27
3	16	18	30
4	5	16	32
5	5	14	48
6	6	6	9
7	2	7	19
8	3	11	17
9	3	7	24
10	4	11	26
11	4	28	14
12	4	70	33
13	1	6	17
14	2	3	11
15	5	8	20
16	5	8	13
17	1	4	11

NOTE: Since the number of people placed is different from the number of people referred, it is possible that the median days required to refer them could be a higher figure than that for the median days required to place them. This can be seen in the figures given for Group 12.

Appendix II

CHART 6: TOTAL REFERRALS AND PLACEMENTS BY THE CAREER DEVELOPMENT UNIT

Group	Total Referrals	Total Placements	Percentage of Placements Per Referral
1	131	58	44%
2	94	36	38%
3	61	34	56%
4	57	28	49%
5	61	26	43%
6	42	21	50%
7	60	23	38%
8	71	24	34%
9	49	20	41%
10	40	14	35%
11	61	26	43%
12	43	18	64%
13	70	35	50%
14	72	36	50%
15	52	26	50%
16	26	9	35%
17	48	26	55%
TOTALS	1,038	460	44%

Appendix II

CHART 7: NUMBER OF REFERRALS PER PARTICIPANT

Number referred to employment or training:

Group	One Time	Two Times	Three Times	Four Times	Five Times	Six Times	Seven Times	Eight Times	Nine Times	Ten Times	Eleven Times
1	10	6	3	9	3	4	1	1			1
2	5	9	4	4	3	2		2			
3	15	5	5	2	1			1			
4	15	6	2	4				1			
5	12	8	3	4				1			
6	11	7	2		1	1					
7	13	6	4	3	1	1					
8	17	5	4	4	1					1	
9	4	10	2	1	3						
10	13	3	3		1	1	1				
11	12	9	1	2	2					1	
12	13	4	5	2							
13	13	5	3	3	2	1	1				
14	16	6	5	3	2						
15	11	9	2	3	1						
16	8	1	3		1						
17	19	5	3	1		1					
TOTALS	207	104	54	45	22	10	3	6	0	2	1

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Appendix II

CHART 8: NUMBER OF PLACEMENTS PER PARTICIPANT

Group	Placed One Time	Placed Two Times	Placed Three Times	Placed Four Times	Placed Five Times	Placed Six Times
1	16	9	5		1	1
2	12	7	2	1		
3	13	4	2	2		
4	13	4	2			
5	9	4	3			
6	9	4	1			
7	12	6				
8	17	4				
9	10	2	2			
10	8	1		1		
11	8	5	1		1	
12	8	5				
13	22	7	3			
14	11	5	3			
15	14	6			1	
16	7	1				
17	15	5				
TOTALS	204	79	24	4	3	1

Appendix II

CHART 9: CURRENT EMPLOYMENT STATUS*

Group	Employed	In Training	Student**	Unemployed
1	12	6	4	28
2	11	3	0	36
3	11	2	4	33
4	11	2	3	34
5	17	2	5	26
6	21	1	1	27
7	17	3	4	26
8	14	3	1	32
9	26	0	2	22
10	22	1	3	24
11	27	1	3	19
12	25	2	5	18
13	21	1	5	23
14	22	1	4	23
15	29	1	1	19
16	27	0	4	19
17	30	0	2	18
TOTALS	343	29	51	427

*Participants whose current employment status is not known are listed as unemployed.

**Thirty-four of those listed are employed or in training as well as being students. They are not listed in the sections labeled "Employed" or "In Training."

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Appendix II

CHART 10: PROJECT STATUS COMPARED WITH CURRENT EMPLOYMENT STATUS

	CURRENT EMPLOYMENT STATUS*			
Project Status	Employed	Training	Student**	Unemployed
Charges Dismissed	190	17	26	50
Unfavorably Terminated	84	11	15	332
Active In Project	65	0	7	32
Administratively Discharged	4	1	3	13

*Participants whose current employment status is unknown are listed as unemployed.

**Thirty-four of those listed as students are employed or in training as well.

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Appendix III: Project Status and Related Court Information on 850 Participants by Groups of 50

CHART 11: PROJECT STATUS OF SERIOUS DRUG USERS (A) COMPARED TO NON-USERS (NA)

Group	Number in Group		Charges Dismissed		Unfavorably Terminated		Currently Active		Administratively Discharged	
	A	NA	A	NA	A	NA	A	NA	A	NA
1	17	33	4	19	13	11				3
2	14	36	2	15	12	20				1
3	20	30	5	11	14	18			1	1
4	17	33	1	12	16	19				2
5	19	31	2	18	16	13			1	
6	15	35	1	17	14	17				1
7	12	38	1	16	11	21				1
8	20	30	5	16	15	13		1		
9	14	36	3	20	9	16	1		1	
10	13	37		15	11	22			2	
11	8	42	1	20	4	18	3	3		1
12	2	48		20	1	24	1	3		1
13	8	42	3	18	3	21	2	3		
14	11	39		16	8	15	3	7		1
15	5	45		13	5	18		14		
16	5	45		9	2	16	2	19	1	1
17	5	45			2	4	3	39		2
TOTAL	205	645	28	255	156	286	15	89	6	15

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Appendix III

CHART 12: CLASS OF ORIGINAL CRIMINAL CHARGE COMPARED TO PROJECT STATUS

GROUP	FELONIES				MISDEMEANORS				VIOLATIONS			
	Charges Dismissed	Unfavorably Terminated	Active in Project	Administratively Discharged	Charges Dismissed	Unfavorably Terminated	Active in Project	Administratively Discharged	Charges Dismissed	Unfavorably Terminated	Active In Project	Administratively Discharged
1	4	3	0	0	15	13	0	2	4	8	0	1
2	5	5	0	0	11	20	0	1	1	7	0	0
3	6	10	0	1	9	18	0	0	1	4	0	1
4	5	10	0	1	8	21	0	1	0	4	0	0
5	8	14	0	1	12	14	0	0	0	1	0	0
6	9	13	0	0	9	17	0	1	0	1	0	0
7	8	6	0	1	9	22	0	0	0	4	0	0
8	8	9	1	0	12	17	0	0	1	2	0	0
9	8	9	0	1	13	14	1	0	2	2	0	0
10	4	12	0	2	11	13	0	0	0	8	0	0
11	11	8	5	0	9	12	1	1	1	2	0	0
12	7	7	2	0	12	15	2	1	1	3	0	0
13	7	9	2	0	14	15	3	0	0	0	0	0
14	9	10	4	0	7	13	6	1	0	0	0	0
15	2	10	8	0	11	13	6	0	0	0	0	0
16	6	5	9	2	3	13	12	0	0	0	0	0
17	0	3	17	2	0	3	25	0	0	0	0	0
TOTALS	107	143	48	11	165	253	56	8	11	46	0	2

NOTE: Felonies are crimes punishable by a year or more in prison. Misdemeanors are crimes punishable by up to a year in prison. Violations are crimes punishable by a maximum of 15 days in prison.

Appendix III

CHART 13: PARTICIPANTS REARRESTED WHILE IN THE PROJECT: SERIOUS DRUG USERS (A) VS. NON-USERS (NA), LISTED ACCORDING TO PROJECT STATUS

Group	Number Rearrested		Rearrested and Charges Dism.		Rearrested and Unfav. Term.		Rearrested and Active		Rearrested and Discharged	
	A	NA	A	NA	A	NA	A	NA	A	NA
1	3	6	0	2	3	4	0	0	0	0
2	2	4	1	1	1	3	0	0	0	0
3	7	7	1	1	6	6	0	0	0	0
4	5	4	0	2	5	1	0	0	0	1
5	6	2	1	1	6	1	0	0	0	0
6	4	4	1	2	2	2	1	0	0	0
7	5	5	0	1	5	4	0	0	0	0
8	3	5	0	2	3	3	0	0	0	0
9	3	3	0	0	3	3	0	0	0	0
10	0	4	0	0	0	4	0	0	0	0
11	1	4	0	1	0	3	1	0	0	0
12	1	6	0	1	1	3	0	2	0	0
13	2	6	0	0	2	5	0	1	0	0
14	4	2	0	0	4	2	0	0	0	0
15	1	1	0	0	1	1	0	0	0	0
16	0	2	0	0	0	2	0	0	0	0
17	1	1	0	0	1	1	0	0	0	0
TOTALS	48	66	4	14	43	48	2	3	0	1

Appendix IV: Memo to the Judges of the Criminal Court

April 5, 1968

BULLETIN NO. 4

To: The Judges of the Criminal Court

From: Edward R. Dudley
Administrative Judge

Re: Manhattan Court Employment Project
Vera Institute of Justice

The Manhattan Court Employment Project of the Vera Institute of Justice is an experimental program to combat recidivism by providing selected defendants with vocational training, job placement, counseling, and related services. Funded by the U. S. Department of Labor, the MCEP will screen, counsel and place approximately 2800 defendants from the Manhattan Criminal Courts over a three year period. I have worked closely with the director of the project, Mr. Henry M. Aronson, along with representatives of the Legal Aid Society, the Office of the District Attorney, the Department of Probation, the Human Resources Administration of the City of New York and the offices of Mayor Lindsay and Senator Robert F. Kennedy, all of whom were involved in designing and implementing the project.

On February 5, 1968, the MCEP began screening new arraignments in Part 3; on March 15, screening was transferred to Part 1A(1). All persons arraigned in Part 1A(1) are screened for participation. Certain categories of offenders have been excluded from participation, either because the seriousness of the charge would prevent their release or because they have special problems which would require treatment beyond the scope of the project. The excluded offenses included (1) 220.00 - 220.45 – all

charges relating to sale and/or possession of dangerous drugs; (2) 130.25 - 130.65 – sex offenses except 130.20 (statutory rape); (3) 225.00 - 225.40 – all gambling offenses; (4) 230.00 - 230.40 – all prostitution offenses; (5) 125.00 - 125.60 - homicide, manslaughter and abortion; (6) 150.15 - robbery in the first degree and 120.10 - assualt in the first degree; (7) 240.40 – public intoxication.

In addition, persons included in one or more of the following categories will be excluded: (8) Employed at the time of arraignment at more than $65 per week; (9) Represented by privately retained counsel; (10) Drug addicts or alcoholics; (11) Persons who have served substantial jail sentences. Those who have received short jail sentences, suspended sentences or a discharge for prior charges will be accepted.

Eligible defendants are identified from the court papers by a Project screener stationed in the clerk's office adjacent to the courtroom. Both the District Attorney and the Legal Aid Society are notified that a defendant may be eligible to participate in the MCEP and, if they agree, a Project Representative will interview the defendant, explain the project and its obligations, and request his participation. Assuming the defendant agrees to participate for three months and keep his appointments with the Project, his attorney will ask the Court for a three month adjournment of the case and ask that the defendant be released on his own recognizance. At the end of the adjourned period, if the Project reports that the defendant has made progress in his vocational program and kept appointments made for him, the District Attorney's Office will support an application for dismissal of charges. In both cases – the request for adjourment and the request for a favorable disposition – the ultimate decision rests, of course, with the presiding judge.

To summarize, the Manhattan Court Employment Project is attempting to begin rehabilitation of selected offenders at an early point in the criminal process and provide them with the means to become productive, law-abiding employees. I am in close contact with the project staff and am closely monitoring its progress. I think the project merits our collective support. Do not hesitate to contact me regarding any questions you might have about this endeavor.

Appendix V: Project Eligibility Criteria Issued by the District Attorney

July 24, 1969

To: Assistant District Attorneys
Criminal Courts Bureau

From: Kenneth Conboy

Subject: MANHATTAN COURT EMPLOYMENT PROJECT

The Manhattan Court Employment Project provides job placement and personal counseling to selected defendants arraigned in the Manhattan Criminal Court. Charges against defendants who respond well to these services are dismissed with the support of this office following evaluation of a report submitted by the project. Unsuccessful participants are remanded to court for continued prosecution.

The project's staff consists of ten non-professional counselors, all ex-offenders, supervised and trained by three professionals with degrees in psychology and counseling. In addition there is a Career Development Unit of five which places participants with over 330 cooperating firms and training programs, as well as a unit from the city's Department of Social Services, the first involvement of that Department in the court. The staff is rounded out by screening, research and administrative units.

Beyond the general competence of the staff, the most intriguing aspect of its services is the counseling program. All defendants assigned to the project meet in groups of ten to fifteen one night each week for a group counseling session. These sessions are held at the project clubhouse, a short distance from the court building. Led by one of the non-professional counselors, the group examines each person's life situation, the attitudes which have contributed to his arrest, and the alternatives which are now open to him. Closely monitored by the supervisors, these sessions – coupled with individual meetings at the project offices and the defendants'

neighborhoods – are key to having the defendants accept the employment and social services.

The project accepts between ten and fifteen defendants each week. It is an experiment which is testing the possibility that similar services could be provided to a substantial number of defendants coming through the court. If successful, the model embodied in the present project could be expanded in size.

The project has not been established to give "breaks" to defendants, although a successful defendant will receive a dismissal of charges. We are all aware of the lengthy delays in court proceedings, the relatively low number of defendants who receive prison sentences of any magnitude, and the relatively high rate of recidivism despite the efforts of our corrections, probation and parole agencies. Given these conditions, the criminal justice system might well benefit from an additional resource which effectively utilized the time preceding disposition of a case to attempt to change a defendant's attitude and behavior. In most cases, the project requirements of group counseling one night per week and involvement in steady employment place heavier demands on a defendant than do his obligations to the court.

There is already ample precedent in the Criminal Court for the work of the project. The Youth Counsel Bureau has been active since 1942, working with a less difficult population. The project is a logical extension of the YCB's work, to reach not the exceptionally well-motivated defendant but rather the defendants who without some special intervention will appear in court again.

SELECTION PROCEDURES

A small staff of carefully selected and trained screeners operate out of the clerk's office in the arraignment part, reviewing the papers of all defendants about to appear before the court. They perform a series of investigations described more fully below. Defendants found eligible for participation by screeners are brought to the attention of the court and the Assistant District Attorney in Part 1-A.

Forty percent of all project defendants are assigned from the arraignment part and the Assistant District Attorney in that part should not hesitate to cooperate if a defendant meets the criteria. The screening staff also operates in the adjourned parts, responding to referrals from judges,

Assistant District Attorneys, arresting officers and Legal Aid Attorneys, and following cases not completely screened at arraignment.

The screening procedure is extremely rigid. OUT OF THE AVERAGE OF 900 DEFENDANTS ARRAIGNED EACH WEEK, THE SCREENING STAFF EXCLUDES ABOUT 875 THROUGH ITS INVESTIGATION. It will only make application to the Assistant District Attorney and the court if it finds a defendant eligible. The Assistant District Attorney's role in regard to the remaining 25 defendants is thus reviewing MCEP recommendations which are limited to less than 3 percent of daytime arraignments.

In cooperation with the administrative judge of the court, this office and the Legal Aid Society, the project has formulated a series of criteria by which eligibility for acceptance is determined.

The criteria were established to weed out those defendants least likely to benefit from project services and deliniate the remainder as a class of defendants who are potentially eligible for participation and a procedure for their selection.

As standard procedure, project screeners review the defendants' court papers, check their records with BCI if no yellow sheet is attached, complete all missing dispositions on a yellow sheet, interview the defendant, verify at least one item of information – his address, the place that he works or has worked, the name of a relative or friend, and arrange an interview with one of the project's counselors. They are instructed to speak to the officer and any complaining witnesses if they are available, to explain the project's goals, and to learn of additional circumstances that may affect a defendant's participation.

The screening system has been extensively reviewed by Mr. Stone, Mr. Friedman and myself, and is generally efficient and reliable. However, you should not hesitate to question the screener to make sure that all relevant information has been checked if you have any doubts.

The following criteria for participant participation in the MCEP have been approved by this office. These criteria relieve the ADA of predicting success – rather, the ADA is responsible for seeing that, in fact, the criteria be met.

The ADA makes the final decision. This decision in a program involving

two separate but cooperating agencies, must be consistent with criteria which each staff has been instructed to follow. It is neither the ADA nor the Vera staff members' job to create new criteria.

CRITERIA

(1) Male;

(2) Ages 17 - 45;

(3) Living in New York or close enough to easily come to the project offices for counseling. If a defendant is recently arrived in New York, he should only be assigned to the project if a verified address can be provided, or if the project staff can assure adequate placement in housing through its Social Services Unit.

Where a home address can not be verified by phone, the defendant should still be considered for the project if job or school or other references have been verified.

(4) No addicts. The project seeks to exclude all addicts because they present problems beyond the staff's capabilities. Any defendant who is presently charged with a drug offense (except possession of small quantities of marijuana or pills) or whose prior record involves an arrest for a drug offense is not eligible for the project.

Any defendant who appears to the project interviewer to be an addict is also ineligible even if his record contains no drug arrests.

EXCEPTION: A defendant with a prior arrest for drugs or possession of a needle will be eligible if the project interviewer and the ADA are satisfied that the defendant is not using drugs now and he meets other criteria.

(5) Unemployed or taking home no more than $70 a week plus $5 for each dependent. If he was making more but has lost his job as a result of the arrest, he is eligible.

(6) The defendant's present charge: There are certain charges which are so serious that prosecution must proceed even though the defendant might benefit from participation in the project. There are other charges which are less serious but indicate that the defendant will not be receptive to the project (high illegal income from gambling; alcoholism; drug addiction).

According to project staff, based on its experience to date with over 700 defendants, best results have been obtained with defendants charged with felonies, with misdemeanants responding almost as well. Those charged with violations are least responsive.

When a participant is charged with a relatively serious offense which does not automatically exclude him, an ADA may be reluctant to let him enter the project because it constitutes a "break" for him. However, consistent with the objectives of the project, the question of whether a defendant "deserves" the project should be generally set aside.

I. Certain charges automatically exclude a defendant from consideration for the project. These are listed on the attached sheet captioned Part I. If they have been reduced prior to the time that an application is made for participation in the project, and are now within the range of acceptable charges, the Assistant District Attorney should not automatically exclude the defendant from eligibility.

II. Another range of charges is left to the discretion of the individual Assistant District Attorney. These are listed in Part II, attached.

The decision as to project participation should be made by the Assistant District Attorney on duty in a court part. The liaison should not be asked to make decisions on a case-by-case basis. He *should* be consulted about general policies for assignment of defendants, and should be informed of any problems in project relations with this Bureau so that he may discuss them with project administrators.

III. All charges not listed in I or II are automatically eligible if other criteria are met.

IV. General instructions for eligible charges.

(A). A defendant who meets project criteria may be assigned to the project from Part 1-A.

(B). The arresting officer and complaining witness should, at a minimum, understand what is being done with a case that is assigned to the MCEP. You may assume that project screeners will have spoken to these persons and the ADA should make sure this has been done. He should also speak to them if possible. Their consent to the defendant's participation is not mandatory.

(C). Crimes involving violence, threats, or losses of a large sum of money or property are sensitive, especially if the violence involved an officer. Informing officers and witnesses is the first step. Second, the ADA should weigh the likelihood that a defendant charged with an offense of this sort will receive a prison sentence of any magnitude, assuming that he pleads guilty to a lesser charge. If not, there is less reason to deny entry to the project.

Where there has been property loss, the ADA should inquire if the defendant was bonded and whether a dismissal of charges would cause the complainant to lose the bond, (if the complainant is an employer). Similarly, where property has not been recovered, the ADA should be particularly solicitous to the complainant. However, normal prosecution will not be any more of a guarantee that the property will be returned. The complainant's desire for retribution should not be the determining factor.

(D). Armed robbery is, of course, ineligible. Other offenses involving weapons which were on the defendant's person at the time of commission should be carefully scrutinized.*

(E). A defendant should not be assigned to the project on a short affidavit but a person so charged who appears eligible should receive a short adjournment for completion of the complaint and reconsideration of the project participation.

(F). Bail. Eligible participants are to be released on their own recognizance. If a defendant, under consideration at an adjourned hearing, is already released on his own recognizance or on bail at the time an application for the project is made, the ADA should be sympathetic to it. There is less risk in assigning a defendant at liberty to the project.

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* In all gun cases, a one week adjournment should be requested so that the officer can have the gun checked with ballistics to determine whether the gun has been used in any other crimes. The adjournment will give the officer a chance to investigate the defendant to determine whether he is implicated in other crimes. If there is a strong likelihood of use or intent to use the gun, do not allow into MCEP without liaison approval.

If you feel that bail should be set pending the outcome of the investigation, do not hesitate to set bail on a gun case. When the one week is up, if the defendant is not implicated in other crimes and he is otherwise acceptable for the program, he may, at the District Attorney's discretion be admitted into the program.

(G). In a forgery case, where it is suspected that additional checks have been forged beyond those mentioned in the complaint, a short adjournment should be ordered until all facts are determined.

(7) The defendant should not be a full-time student unless there is clear evidence that the full-time student is not actually attending school, or is about to drop out.

(8) The defendant's prior record – If a defendant has served more than a total of six months in prison, he is ineligible. Prior arrests or convictions which do not result in the defendant's serving more than six months shall not exclude him if other criteria are met. If his prior record includes drug charges – whether dismissed or not – he is not eligible unless the ADA is convinced that he is not presently an addict. The length of time since the drug arrest would be relevant.

The screener should secure dispositions of all charges which are left blank on a yellow sheet.

The fact that a defendant has had numerous arrests in the past should not exclude him.

(9) The defendant's probation status – If on probation from a prior conviction, a project screener must call the defendant's probation officer and secure his consent to participation in the project and inform the ADA.

(10) Pending cases – A defendant is ineligible for the project if he has more than one pending case in addition to the one before the court. If both the pending case and the one before the court are felonies, the defendant is ineligible.

GENERAL

1. The project welcomes the opportunity to meet with ADAs and to show them through the project.

2. Encourage complaining witnesses and officers to visit the project. A screener will conduct them to the project offices.

3. A project screener must always speak to the ADA before the case is called to fully explain the eligibility of the defendant. Sometimes, an ADA is too busy to speak with the screener before the case is called. He should put the case on second call and speak to the screener at a recess.

4. If an Assistant District Attorney consents to an application for the MCEP, he should address the court when the case is called. Sometimes, the screener can supply additional information. The request for a three-month adjournment is, of course, made on the record. If a judge opposes assignment to the project, the ADA should attempt to persuade him. If unsuccessful, the case should be put on second call and the liaison consulted.

5. If an ADA in arraignment part is satisfied that a defendant meets project criteria, he may be assigned to the project at that point.

6. Companion cases may be separated and different dates given if one defendant is eligible for MCEP and others are not.

7. No MCEP participant should be allowed a three-month adjournment of a rearrest case without the approval of the liaison. The liaison should be notified of any rearrest of an MCEP participant.

8. No case is to be dismissed in connection with the Vera program without written or verbal instructions from the liaison.

9. The fact that the defendant has been in Vera and has been unfavorably terminated from the program is not to be used against the defendant.

10. It is important that the list of criteria be taken to Court each day by each Assistant District Attorney and referred to when the question of admission to the bureau program by any defendant arises.

PART I

CHARGES WHICH AUTOMATICALLY EXCLUDE A DEFENDANT FROM PARTICIPATION

120.05 (sub-secs. 2, 3, 4, 5) Assault 2
120.10 Assault 1
120.25 Reckless endangerment 1
120.30 Promoting a suicide attempt
120.35 Promoting a suicide attempt
125.00 Homicide, abortion and related offenses
130.35 Rape 1
130.38 Consensual sodomy
130.40 Sodomy 3
130.45 Sodomy 2
130.50 Sodomy 1
135.05 Unlawful imprisonment
135.10 Unlawful imprisonment
135.20 Kidnapping 2
135.25 Kidnapping 1
135.60 Coercion 2
135.65 Coercion 1
140.25 (sub-sec. 1B and 1C) Burglary 2
140.30 Burglary 1
150.10 Arson 2
150.15 Arson 1
160.15 Robbery 1
170.10 Forgery 2 (except for driver's licenses, auto registration and check forgeries–these *are* eligible)
170.15 Forgery 1
170.25 Criminal possession of a forged instrument 2 (except for driver's licenses, auto registration and check–these *are* eligible)
170.30 Criminal possession of a forged instrument 1
170.40 Criminal possession of forgery devices
220.15 Criminal possession of a dangerous drug 2 (except for possession of marijuana–this is eligible at the DA's discretion)
220.20 Criminal possession of a dangerous drug 1
220.30 Drug sales 3
220.35 Drug sales 2
220.40 Drug sales 1
220.45 Narcotics apparatus

225.10 Promoting gambling 1
225.20 Possession of Gambling records 1
230.00 Prostitution and related offenses
240.15 Criminal anarchy
240.35 Loitering for deviate sex, use of drugs (other forms of loitering *are* eligible)
240.40 Public intoxication
245.00 Public lewdness
245.01-02 Exposure of a female
245.05 Offensive exhibition

PART II

CHARGES FOR WHICH A DEFENDANT IS ELIGIBLE FOR PARTICIPATION AT THE DISCRETION OF THE ASSISTANT DISTRICT ATTORNEY IN THE COURT PART

120.05 (1,6) Assault 2
130.20 Sexual Misconduct
140.25 (sub-sec. 1a,2) Burglary 2
145.10 Criminal mischief
150.05 Arson 3
155.30 (sub-sec. 1,4) Grand larceny 3 (auto theft, pickpocketing, purse snatching and shoplifting are generally eligible)
155.35 Grand larceny 2
155.40 Grand larceny 1
160.05 Robbery 3
160.10 Robbery 2
art. 175 False written statement
art. 180 Private bribery
art. 185 Creditor frauds
art. 195 Interference w/governmental operations, etc.
art. 200 Bribery of public servants
art. 205 Escape, resisting arrest, etc.
art. 210 Perjury
art. 215 Offenses related to judicial proceedings
220.10 Criminal possession of a dangerous drug 3
220.15 Criminal possession of a dangerous drug 2 (as it pertains to marijuana; other counts of possession are automatically ineligible)
art. 235 Obscenity

240.05 Riot 2
240.06 Riot 1
240.18 Inciting to riot
art. 250 Offenses related to right of privacy
art. 255 Marriage offenses
art. 260 Offenses involving children and incompetents
art. 265 Weapons offenses – Request a one-week adjournment in gun cases for ballistics check and investigation.

Appendix VI: Two Sample Cases

Since generalizations about MCEP participants cannot convey many of the flesh-and-blood problems and rewards of working with them, we include here the outline sketches of the project's experience with two participants, one whom we terminated, returning his case to the court, and the other whom we recommended for dismissal of charge.

PARTICIPANT TERMINATED FROM THE PROJECT

Ralph J. was taken into the project in June 1969 when his uncle, with whom he was living, brought him to court on the charge of being a wayward minor—a means to rid himself of a boy who was not behaving. Ralph's mother was dead and he hadn't seen his father in years. He had lived with his uncle and aunt for the past three years after coming to New York from Washington, D.C. He was nominally enrolled in high school and was sporadically attending summer school to make up for past absences. Although he was only 16, the judge asked that he be taken into the project, and we agreed.

When his Rep asked Ralph to describe himself, he wrote:

> My name is Ralph J. From the age of 7 yrs I lived at 1855 Maron St. in Washington. I liked the house but I dislike the lady next store. I disliked her because she was always complaining about my two dogs. Now that I am adjusted to living in the big city, I don't think I can go back to living in a raul [rural] area again. What the city is the tall buildings and any time of night you want something you can get it. I am not selfish. I am very kind hearted. I do not only think of myself. I average normal american boy. With the every day problems of living in the getto. If I had stayed in Washington I would have never had these problems.

At first the Rep kept in touch with Ralph (who continued to live with his uncle) but got nowhere. Then from early July to early August

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he was unable to find Ralph, and the boy missed his scheduled appearance in court. In August he returned to our office and we learned that he had been arrested on July 4th for petit larceny and possession of a weapon and had been in jail for a few weeks, accounting for his missed court date. Ralph's uncle finally bailed him out. The Rep appeared in court, and the judge and District Attorney agreed to release Ralph until his next hearing without penalizing him for missing the court appearance for the wayward minor charge.

The Rep noted in his files:

> I put Ralph on a rigid schedule and keep in contact with him constantly. His uncle was reporting to me every week telling me how off-the-wall Ralph was. He told me that Ralph stayed out all times of the night and was hanging out with some pretty bad characters. Ralph in turn was telling me something different. In the first two weeks Ralph was doing fine: he called me twice a week, came to group each week, and kept the appointments in the office and got a job through our Career Development component.

Career Development referred Ralph to an M.A. program with Consolidated Edison for training as a clerk with a starting salary of $75.00 a week. On the day of his interview for the job, the Rep went to his house early in the morning and got him up, took him to get his working papers completed and then to Con Ed for the interview. Ralph was hired to begin the next Monday.

However, within two weeks of starting his job, Ralph was missing days at work and not keeping in touch with his Rep, and his uncle suggested that he might be using drugs. On two visits to his house the Rep found Ralph in bed; on the second of these visits, Ralph said he had lost his job. In his file on Ralph the Rep noted:

> I was pretty angry at Ralph and I showed it. I told him that I may have to take him to live at my house. I told him I wanted him in group tonight at 6:30 sharp. Even if I'm sick, he asked? I want you there even if you are cripple! I must stop him hanging out because this seems to be his main hangup. Every time he starts to do something, he wants to hang out and he blows. Hanging out got him locked up. I must paint a vivid picture.

The Rep hoped to continue working with Ralph after his court appearance in early September, but the District Attorney wanted him terminated because of his rearrest in July. The Rep argued that this was

unfair since Ralph's first "arrest" had been on the wayward minor charge by his uncle rather than for a crime. The Rep and D.A. compromised on a one-week extension. The Rep decided to have Ralph stay with him and his family until he could get him placed in a youth residence since his uncle wouldn't permit him to live at home. The week was encouraging, wrote the Rep:

> I talked everyday to Ralph, not about the court but about him and his life. I learned that Ralph has been involved several times in purse-snatching, robbing a cab driver, and possession of a dangerous weapon. Each of these offenses occurred while Ralph was hanging out with his fellows. And on each offense Ralph says that he was only there [i.e. accompanying others but not directly participating himself]. I did not press Ralph for the week but each night we had one serious talk.
>
> Most of Ralph's hours at my house was spent sleeping or watching TV. He would stay up until 4 A.M. watching T.V. He helped my wife a great deal and he had a good relationship with my family.

With the Rep's help, Ralph was placed in Bonitas House. He got rent and food money through the project's Social Services Unit.

> I asked him to call me on Wednesday. At 10 P.M. Ralph calls and talks to my wife about how he is coming over to visit us on Sunday. He is at Bonitas now but he tells me that his uncle wants him to come back home if he obeys the "rules". Before he hangs up he wants to speak to all of my children so I get them up and Ralph talks and talks.

Ralph left Bonitas House a week later but did not go back to his uncle's house. He visited the project offices but it was clear that he was using drugs much more than he had before. The Rep saw him sporadically but could not get any response from him.

> Ralph is selling drugs and using drugs and living drugs . . . I'm getting frustrated with the case but I intend to try one more time to get my point across to Ralph and if he doesn't listen, I will have to terminate him.

Ralph was terminated from the project at his next court appearance at the end of October and a date was set for further prosecution. Our next contact with him was in the detention cells of the arraignment court in late December when he was rearrested for attempting to hold up a cab driver. Prior to this arrest, he had begun attending the group sessions at

Odyssey House, a private drug treatment program, but continued his use of drugs. After he was arrested, Odyssey House arranged for an adjournment of his case so that he could live there full time, and the court agreed to this. As of January 1970 he was still in residence there and doing well.

PARTICIPANT WHOSE CHARGES WERE DISMISSED

Carlos T. was taken into the project the same month Ralph J. was–June 1969. He was 24 and lived with a woman he referred to as his wife (although they were not married), and her nine children. She was about ten years older than Carlos and supported her children through welfare payments and occasional income from Carlos when he was employed, usually as a building superintendant or handyman. He had no previous record of arrests. The circumstances of this arrest were unusual: one of his wife's sons was arrested for killing his grandmother, and when Carlos tried to talk to the boy as the police were taking him away, the officers gave Carlos a summons for obstructing justice.

Carlos had his first interview with a Career Developer the day he was taken into the project. He told the CD that he was expecting to be hired as a plumber's helper ($75 a week) and they discussed the importance of his getting a driver's license for this job. The CD encouraged him to get the necessary forms immediately and said that if he needed help filling them out, someone at the project clubhouse would help him.

Carlos's Rep visited him at home and at his new plumber's helper job; they spoke regularly on the telephone and Carlos participated actively in most of the group counseling sessions he attended.

The Rep wrote:

> He enjoys his job as a plumber and says he should be getting a raise in about six weeks or so. He appears to be satisfied with himself. He said he will be at group on Wednesday. His family situation is strange because of the difference in age between him and his wife. They relate more like a mother and oldest son than as husband and wife. He likes the security of being with her but he does not seem to take his family responsibilities seriously, particularly since the family gets most of its money from welfare. His wife is up-tight about the fact of her son killing his grandmother. Carlos does not seem overly up-tight about it.

After a month, work at Carlos's job slowed down and he went back to Career Development to talk about other possibilities. He had still not

obtained a driver's license. Here are the CD's comments:

> Carlos reported two hours late and we discussed his lateness. It appears that Carlos has never had any steady work habits. The nature of his super jobs would not necessarily require them. At present he has acquired responsibilities which are much greater than his ability to handle them. Job at present does not mean much in terms of money without job satisfaction. Needs an opportunity to use his skills (Family on Welfare).
>
> Discussed several jobs – he was turned on by Consolidated Edison MA-4 program. General helper, $2.04 an hour, and remedial math and English. It is the firm which turned him on, the chance to advance. Though his life style may be somewhat lazy, I think part of the reason is that no opportunity has presented itself.
>
> July 24, 1969 – Referred to Con Ed.
> MA-4 Training Program
> $2.04 an hour
> 7/30-69 at 10:00 a.m.
>
> Advised him that reporting on time to interview is important. Also since he is doing nothing today he could walk across the street and pick up an application form for a drivers license. Carlos is a very likeable guy and if we are lucky enough to find him the right opportunity he might make it.

The Con Ed job possibility appeared to have a positive effect on Carlos. He got the forms for his driver's license, sent an urgent request for a copy of his birth certificate to his mother in Puerto Rico (necessary for the job at Con Ed). The Career Developer visited Carlos at home – on Carlos's invitation–to meet his wife and her children. From all indications, he was having increasing difficulties getting along with her. On August 20th, his Rep wrote:

> Carlos came into the office to see Social Services Unit. He has made the decision to leave his house and get a place by himself. S.S. referred him to Block's Hotel on Chambers Street. He is eligible for benefits as an unemployed single person with no one to support him.
>
> I didn't advise Carlos at all in making the decision to leave his wife and her family. I think it's a sign that he's growing up some and that's good. The family's money situation isn't changed by his leaving.

In late August, Carlos began the job at Consolidated Edison. He went to the project's group counseling sessions regularly except when he was sick. When he severely burned his hand, which prevented him from going to work, his Career Developer called Carlos's boss at Con Ed and was assured that the company intended to keep Carlos on. Meantime Carlos's adjourned date in court was coming up and the Rep was pretty sure of his recommendation:

> Carlos came to group and participated well as usual. He is due in court on September 19, and I am going to recommend that the charge against him be dismissed. His burned hand may keep him out of work for a while but we have checked with Con Edison and they will definitely keep him in the program and I am confident that Carlos will go through with it. He has made some hard decisions during the time I've worked with him and I think he's grown up a little.

On September 19 the obstruction of justice charge against Carlos was dismissed. When his hand improved he went back to work, and further checks by the Career Developer revealed that he was still in the training program and doing well.